HOBSON V. WILSON

VOL. 13-A

Exhibits to Plfs. Pre-Trial Brief

UNITED STATES GOVERNMENT

Memorandum

TO : SAC, WFO (100-53507) (C) DATE: 2/14/73

FROM : SA WILLIAM T. TUCKER

SUBJECT: RICHARD POLLACK
(OO:WFO)

On 2/1/73, POLLACK was interviewed by SA ROBERT J. GOLDEN and SA WILLIAM T. TUCKER. The purpose of the interview was to evaluate POLLACK's potential as a source. At the outset it was readily apparent to the interviewing agents that POLLACK's own belief's in the injustice of the Vietnam War and his anti-government stand on every issue would be too much of an obstacle to overcome in attempting to develop him as a source.

However, the interviewing agents talked to POLLACK for approximately two and a half hours and after his initial apprehensiveness he was cordial and friendly towards the agents.

It is the opinion of the interviewing agents that POLLACK should be recontacted by them in an effort to establish a rapport with him. During such interviews POLLACK may unwittingly provide the interviewing agents with intelligence information.

During the interview POLLACK advised he was currently residing at 1736 Lanier Place, N.W., Washington, D. C. and was sharing this apartment with RENNIE DAVIS.

It should be noted that despite POLLACK's anti-government feelings he was interviewed at the D. C. unemployment office, 7th and Pennsylvania Avenue, N.W. Washington, D. C. right after he had picked up his unemployment check.

1 - WFO (100-53507)
WTT:lsh

100-53507-5
SEARCHED ..., INDEXED ...
SERIALIZED ..., FILED ...
FEB 14 1973
FBI — WASH. FIELD OFFICE

Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan

EXHIBIT 20

Memorandum

TO : SAC, WFO (100-47007)(P) DATE: 12/3/69

FROM : SA MILMER H. KOBBS

SUBJECT: EMERGENCY COMMITTEE ON THE TRANSPORTATION CRISIS
RM
OO:WFO

On 10/27/69, [redacted] furnished to SA Paul E. Morrison a group of pictures which the MPD had taken of the subjects arrested on 10/15/69, at the site of the Three Sisters Island Bridge (see 100-47007 serial37).

These photographs will be filed in the exhibit serial of ~~100-47007~~ [redacted].

2-WFO
1-[redacted]
(2)

SEARCHED
SERIALIZED
FBI — WASH. F. D.

Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan

EXHIBIT 21

Digitized by the Internet Archive
in 2025 with funding from
Digitization funded by a generous grant from the National Endowment for the Humanities.

https://archive.org/details/box60_brief-13a

Memorandum

TO : SAC, WFO (100-47007)(P) DATE: 1/14/70

FROM : SA HILMER H. KRLBS

SUBJECT: EMERGENCY COMMITTEE ON THE TRANSPORTATION CRISIS
RM
(CO:WFO)

On 1/13/70, [redacted] Inteeligence Division, Metropolitan Police Dept. made available to SA Paul E. Morrison the attached which are as follows:

(a) Copy of MPD Officer [redacted] dated 1/13/70.

(b) Flyer announcing a public rally for 1/16/70 at the Morgan School.

(c) ECTC news letter listing future activities planned by the ECTC.

Informants will be asked to cover the pertinent activities of the ECTC.

attachments -3
1-WFO
HHK

100-47007-64
SEARCHED
SERIALIZED
INDEXED
JAN 14
FBI - WASHINGTON, D.C.

Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan

Jan. 13, 1970 1315 Hrs.

At 1030 Hrs. Jan. 13, 1970, Sammie Abbott and Reginald Booker lead approximately 8 persons to the District Building and demanded to see the Mayor. After being denied, Reginald Booker gave a letter to the guard (contents unknown) to give to the Mayor.
Subjects waited in the hall approximately 1 hr. for a response from the Mayor, getting no response, Sammie Abbott lead the subjects into the press room and demanded a press-conference. They were asked to return to the hall where a press-conference was held. Reginald Booker spoke on the objections of the Freeway plans for the D.C. He stated that the BCTC will do everything possible to prevent any freeways from coming through the D.C.
Conference lasted for approximately 10 min. Subjects dispersed without incident.

The BCTC will hold a rally at 1945 hrs. Jan. 16, 1970 at the Morgan School located at 18th and Calif. Sts. N.W. The public is invited.

Above info placed on the scheduled events board.

See attached leaflets:

100-47007-63

EXHIBIT 22

UNITED STATES GOVERNMENT

Memorandum

TO :SAC, WFO (170-784) (P)

DATE: October 31, 1969

FROM :SA STEPHEN B. KING

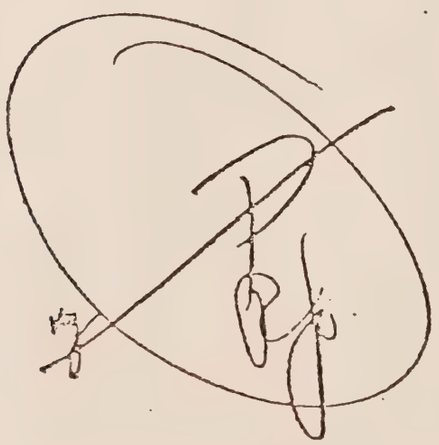
SUBJECT: JUSTINE CLAPP LOWER
R-PROB

Lower, [redacted] MPD Intelligence, has moved to suburban Maryland and is still having an affair with Julius Hobson.

A canvass of racial informants during the month of October, 1969 failed to reveal any additional information re Lower or her relationship with Hobson.

Appropriate leads have been set forth for a check of current address for Lower at Civil Service.

WFO will consider contacting Lower in the near future to determine her potential as a racial source and the degree of involvement in black nationalist activities.



170-784-3

SEARCHED ____ INDEXED ____
SERIALIZED ____ FILED ____
OCT 31 1969
FBI — WASH. F. C.

37

Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan

EXHIBIT 23

10/21/69

PLAINTEXT

TELETYPE URGENT

TO: DIRECTOR, FBI (62-111181)(176-1410) AND
SACS CHICAGO AND NEW YORK

FROM: SAC, WFO (100-49753)(176-84)

NEW MOBILIZATION COMMITTEE TO END THE WAR IN VIETNAM
DEMONSTRATION AT WASHINGTON, D. C., NOVEMBER FIFTEEN, NINETEEN
SIXTY-NINE; INFORMATION CONCERNING - INTERNAL SECURITY; DAVID T.
DELLINGER, ET. AL. (TRAVEL OF DEFENDANTS) ANTI-RIOT LAWS ;
CONSPIRACY.

REFERENCE CHICAGO TELETYPE TO BUREAU DATED OCTOBER TWENTY,
LAST, LATTER CAPTION.

ON INSTANT DATE, A REPRESENTATIVE OF A LOCAL INTELLIGENCE
AGENCY ADVISED THAT THE NEW MOBILIZATION COMMITTEE (NMC) AND THE
VIETNAM MORATORIUM COMMITTEE (VMC) MET [redacted] AT ONE ZERO ZE

2-Bureau
2-Teletype Unit
2-WFO
(1-100-49645)(NMC)
(1-100-49171)(VMC)
(1-100-44861)(VIDEO)
(1-176-84)

MEM:cjb
(12)

B

100-49645-268
Searched
Serialized
Indexed
Filed

FTO 100-49758

PAGE TWO

1000 VERMONT AVENUE, N. W., WASHINGTON, D. C. (NEC), TO RESOLVE DIFFERENCES BETWEEN THE NEC AND YEC CONCERNING "ANTI-ESTABLISHMENT" DETAILS FOR THE NOVEMBER ELECTION, WHICH, WAS HELD AT YEC. AMONG THOSE PRESENT WERE [redacted]

[redacted] B

ACCORDING TO ABOVE REPRESENTATIVE, NEC AND YEC REPRESENTATIVES HAD MET EARLIER WITH SENATOR EUGENE MC CARTHY (D), MINNESOTA, WHO TOLD THEM TO RESOLVE THEIR DIFFERENCES WITH THE NEC. ABOVE COMBINED MEETING BETWEEN YEC AND NEC LASTED [redacted] DIFFERENCES WERE RESOLVED AND AS A RESULT THE YEC WILL HOLD A PRESS CONFERENCE AT THE NEWSPAPER GUILD, NEC, AT 10 AM, [redacted] AND THE NEC WILL FOLLOW WITH A PRESS CONFERENCE AT NOON AT ANDREW MELLON AUDITORIUM.

ABOVE DATES STATED THE YEC INTENDS TO USE AS NOVEMBER MOBE, HERE, FOR THE NEXT PRIOR TO NOVEMBER ELECTION.

SAID HE WANTS TO PLAN A DEMONSTRATION AT THE DEPARTMENT OF JUSTICE, WDC, ON NOVEMBER TEN, HERE, IN CONNECTION WITH THE CONSPIRACY TRIAL IN CHICAGO, ILLINOIS.

DELLINGER AND DAVIS REPORTEDLY DEPARTED WDC FOR CHICAGO, ILLINOIS, AT SEVEN THIRTY AM INSTANT, VIA NATIONAL AIRLINES.

ABOVE REPRESENTATIVE STATED THAT THE MOC ESTIMATES NOW THAT DIFFERENCES WITH VNC ARE RESOLVED IT WILL ATTRACT BETWEEN TWO HUNDRED FIFTY THOUSAND AND FIVE HUNDRED THOUSAND DEMONSTRATORS TO WDC. THE MOC PLANS TO POLICE THE DEMONSTRATION WITH PLANS TO USE THOUSAND MARSHALLS.

THE VNC, ACCORDING TO ABOVE SPOKESMAN, IS INVESTING ITS MONEY IN STOCKS. IT HAS PURCHASED ONE HUNDRED SEVENTY FIVE SHARES OF AETNA LIFE AND CASUALTY AT A COST OF SIX THOUSAND ONE HUNDRED THIRTY EIGHT DOLLARS, AND TWO HUNDRED TWENTY FOUR SHARES OF CHRYSLER CORPORATION STOCK AT A COST OF SEVENTEEN THOUSAND ONE HUNDRED TWENTY TWO DOLLARS.

ADMINISTRATIVE

REPRESENTATIVE IS DET. SGT. EDWARD SPIKER, INTELLIGENCE DIVISION, METROPOLITAN POLICE DEPARTMENT, WDC.

[redacted] (1)

[redacted]

LOCAL DISSEMINATION OF TELETYPE TO ADSA, SECRET SERVICE AND MILITARY INTELLIGENCE AGENCIES. U. S. PARK POLICE AND GENERAL SERVICES ADMINISTRATION PROTECTION FORCE ARE COGNIZANT.

EXHIBIT 24

SECRET

DECLASSIFIED BY SG2 the law
ON 5-5-11

In May, 1970, Marcum was associated with a

SECRET

SECRET

New Left movement which had office space located at 1029 Vermont Avenue, N.W., WDC. At the direction of his superiors, Marcum and a [illegible] informant of the MPD made a surreptitious entry into this office space and obtained a locked metal box containing documents. During the incident, Marcum was almost caught. Marcum states that the locked box contained stock certificates issued by the Singer Corporation, photographs of Renee Davis and correspondence between principals of the New Left movement and representatives of North Vietnam. Marcum turned this material over to his superiors at the MPD, who he alleges in turn gave it to representatives of the WFO, FBI. At a later date, Marcum learned from his MPD superiors that two WFO Agents had received incentive awards for their work on the incident. Marcum subsequently met both Agents. One of the Agents personally thanked him at a social function for obtaining the noted documents, stating that he (the Agent) had received an incentive award in the case. Marcum alleges that this Agent was aware that he (Marcum) had almost been caught in the act of obtaining these documents, inasmuch as the Agent commented on that fact during his conversation with Marcum. Marcum alleged that the Singer Corporation had a classified government contract for missile equipment. He stated that the Singer Corporation was allegedly giving monies received from these contracts to the National Liberation Front in North Vietnam through the Czechoslovakian Embassy and a North Vietnamese representative named "Madame Binh."

EXHIBIT 25

SECRET

During 1970, Marcum's undercover assignment was terminated when his identity became known to his New Left associates. After the termination of his undercover role, Marcum was assigned to routine duties at the Intelligence Division of the MPD. On one occasion, he was directed by Sergeant Acree to establish a listening post at the Dupont Plaza Hotel, WDC, and to attempt to monitor transmissions from a listening device which Acree believed was being operated, and/or had been operated by the FBI at the WDC "Institute for Policy Studies." Marcum states that he was successful in monitoring transmissions from this device. In 1970, Marcum was told by fellow Intelligence Division officers that the MPD had installed listening devices at a WDC DPP office.

EXHIBIT 26

FD-122 (Rev. 8-31-70)

UNITED STATES GOVERNMENT

Memorandum

TO : Director, FBI (Bufile 100-41949) DATE: 1/17/73

FROM : SAC KFO (100-6459) (P)

SUBJECT: SAMUEL ABDOLLAH ABBOTT, aka
SM-C

Re: Report of SA JAMES F. KHALEN at KDC dated 12/10/70.

Recommend: ☐ ADEX Card ☐ ADEX Card changed (specify change only) ☒ Subject restored (no record summary attached)

Name

Alias

☐ Native Born
☐ Naturalized
☐ Alien

Tab
☐ Category I
☐ Category II
☐ Category III
☐ Category IV

☐ AWC ☐ COMMUNIST ☐ NOI ☐ PPA ☐ RA ☐ SNC ☐ SWP
☐ BNT ☐ JFG ☐ PLP ☐ PRM ☐ SDS ☐ SPL ☐ WRP
☐ BPP ☐ KDK ☐ Miscellaneous (Specify) _____

Date of Birth	Place of Birth	Race	Sex
			☐ Male ☐ Female

Business Address, Name of Employing Concern and Address, Nature of Employment, and Union Affiliation, if any.

Residence Address

Key Facility Data

Geographical Reference Number _____ Responsibility _____

100-6459

2 - Bureau
1 - KFO
PAG:jcm
(3)

SEARCHED ____ INDEXED ____
SERIALIZED ____ FILED ____
JAN 30 1973
FBI — MPLS.

31

WFO 100-6459

SUCCINCT SUMMARY
SAMUEL ABDOLLAH ABBOTT

SAMUEL ABDOLLAH ABBOTT was previously included in Category II of the ADEX. ABBOTT has been a long time Communist Party (CP) member and last attended a CP meeting on 1/20/58. On 9/30/68 he was identified as a person on whom the CP could rely ~~on~~.

In view of ABBOTT's inactivity in the CP and his lack of orientation towards action and leadership in the CP, it is recommended that ABBOTT be deleted from the ADEX.

37

EXHIBIT 27

FD-36 (Rev. 5-1-59)

FEDERAL BUREAU OF INVESTIGATION

REPORTING OFFICE	OFFICE OF ORIGIN	DATE	INVESTIGATIVE PERIOD
~~WASHINGTON FIELD~~	WASHINGTON FIELD	12/3/65	~~11/4-30/65~~

TITLE OF CASE	REPORT MADE BY	TYPED BY
ABRAHAM BLOOM	JOSEPH E. KELLER	bsk
	CHARACTER OF CASE	
	SM-C	

REFERENCE: Report of SA JOSEPH E. KELLER dated 12/4/64, at Washington, D.C.

ADMINISTRATIVE DATA

SA KELLER, without identifying himself, conducted the telephonic pretext with the receptionist on 11/29/65. The pretext used was a salesman who intended to mail literature to subject.

SA THOMAS C. RIES observed the subject in the picket line 11/28/64.

The confidential informants who were contacted in November, 1965, who had no additional information are B [redacted] and [redacted] contacted by SA CLIFFORD F. ARNEY, JR., 11/17-18/65.

B [redacted] and B [redacted] contacted by SA KELLER on 11/17-18/65.

APPROVED | SPECIAL AGENT IN CHARGE | DO NOT WRITE IN SPACES BELOW

COPIES MADE:

4-Bureau (100-280339)
1-ONI, PRNC, Washington, D.C. (RM)
1-MDW Intelligence, Washington, D.C. (RM)
1-OSI, 4th District, Washington, D.C. (RM)
1-Secret Service, Washington, D.C.
3-WFO (100-14953)

100 - 14953 - 946

Searched
Serialized
Indexed
Filed

Dissemination Record of Attached Report

Agency				
Request Recd.				
Date Fwd.				
How Fwd.				
By				

Notations

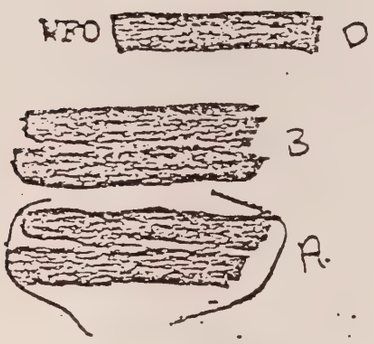
Ticklers Reset
FD-154 4/1/66
Report 1/31/66

-A-

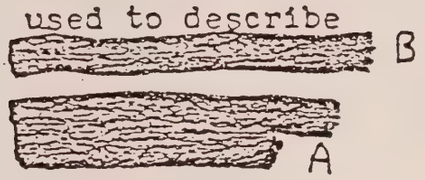
Copies of this report were designated for ONI, MDW and OSI locally as they have been furnished previous reports on subject in connection with his employment.

INFORMANTS

Identity of Source	File where Located
[redacted] B	Instant report, page one
[redacted] B (continue to protect)	used to characterize [redacted] B
[redacted] B	[redacted] D
[redacted] B	[redacted] D
[redacted] B	[redacted] D
[redacted] B	[redacted] D
[redacted] B	[redacted]
[redacted] B	
[redacted] A	
[redacted] B	used to describe [redacted] B



used to describe



FD-305 (Rev. 3-17-64)

1. [X] Subject's name is included in the Security Index.
2. [X] The data appearing on the Security Index card are current.
3. [ ] Changes on the Security Index card are necessary and Form FD-122 has been submitted to the Bureau.
4. [X] A suitable photograph [X] is [ ] is not available.
5. [ ] Subject is employed in a key facility and _____ is charged with security responsibility. Interested agencies are _____
6. [X] This report is D because (state reason)

Data reported from [redacted] through [redacted] and [redacted] could reasonably result in the identification of these informants of continuing value and compromise their future effectiveness thereof.

7. [ ] Subject previously interviewed (dates) ~~3/25/58 5/8/58~~
[X] Subject was not reinterviewed because ~~(state reason)~~

When he was previously interviewed he was totally uncooperative. His activities during past year indicate there is no reason to believe he has changed his attitude.

8. [ ] This case no longer meets the Security Index criteria and a letter has been directed to the Bureau recommending cancellation of the Security Index card.
9. [X] This case has been re-evaluated in the light of the Security Index criteria and it continues to fall within such criteria because (state reason)

During past year subject has had continued participation and association with Communist Party Front type organizations. Associated with individuals having recent past Communist Party membership.

10. [ ] Subject's SI card [ ] is [ ] is not tabbed Detcom.
[ ] Subject's activities warrant Detcom tabbing because (state reasons)

-D*-

COVER PAGE

31

EXHIBIT 28

ACTING DIRECTOR, FBI [redacted] 8/2/72

SAC, WFO (100-53507)(C)

RICHARD PHILLIP POLLOCK

Re WFO report of WILLIAM G. COURTNEY, 4/19/72.

For the information of the Bureau, since the name of RICHARD PHILLIP POLLOCK has been placed on the ADEX Category III, no leads remain outstanding and proper administrative action taken this case has been placed in a closed status.

The next report or LHM will be submitted during April 1973.

100-53507-4

2- Bureau
1- WFO

MBH:nxp
(3)

EXHIBIT 29

UNITED STATES GOVERNMENT

Memorandum

TO : Director, FBI (Attn: 105-114241) DATE: 1/30/69

FROM : SA WFO (105-50397)

SUBJECT: ARTHUR IRWIN WASKOW, aka
Arthur Irvin Waskow
SM - ANA

Three copies of approved Security Index card attached. Place photograph in upper left corner on reverse side of geographical cards. Cards to be filed in your Security Index.

Re: WFO report of SA PAUL D. LAMBERTH dated 1/30/69

☒ It is recommended that a Security Index Card be prepared on the above-captioned individual.

☐ The Security Index Card on the captioned individual should be changed as follows (specify change only):

Name
ARTHUR IRWIN WASKOW

Aliases
ARTHUR IRVIN WASKOW

☒ Native Born ☐ Naturalized ☐ Alien

☐ Tab Detcom ☐ Delete Detcom

☐ Communist ☐ SWP ☐ JFG ☐ SPL ☐ POC ☐ PPA

☐ WWP ☐ SDS ☐ PLP ☒ ANA ☐ PRN ☐ BNT

☐ NOI ☐ RAM ☐ SNC ☐ Miscellaneous (specify) _____

Date of Birth	Place of Birth	Race	Sex
10/12/33	Baltimore, Maryland	Cauc.	☒ Male ☐ Female

Business Address, Name of Employing Concern and Address, Nature of Employment, and Union Affiliation, if any.
Senior Resident Fellow,
Institute for Policy Studies
1520 New Hampshire Avenue, N.W.
Washington, D. C. (Historian)

Residence Address
1808 Wyoming Avenue, N.W.
Washington, D. C.

Key Facility Data
Geographical Reference Number _____ Responsibility _____

REGISTERED MAIL
(2) - Bureau
1 - WFO

PDL:jmr
(3)

SEARCHED _____ INDEXED _____
SERIALIZED _____ FILED _____
FEB 14 1969
FBI—WASH. F. O.

105-150397-140

710

WFO 105-50397

WASKOW is currently a Security Index--Priority II subject. Due to his continued extensive activity and influence with virtually every New Left organization, both locally and nationally, and his continued vehement opposition to the policies of the United States Government, WFO is recommending WASKOW for inclusion on Priority I of the Security Index.

LEAD

WASHINGTON FIELD

AT WASHINGTON, D. C: Will await Bureau approval of WFO recommendation for WASKOW's inclusion on Priority I of the Security Index.

-D-

1120

COVER PAGE

D-25 (Rev. 7-25-68)

1. [X] Subject's name is included in the [X] Security Index or [ ] Agitator Index.
2. [X] The data appearing on the [X] Security Index Card [ ] Agitator Index Card are current.
3. [ ] Changes on the [ ] Security Index Card [ ] Agitator Index Card are necessary and [ ] Form FD-122 [ ] FD-597 submitted to the Bureau.
4. [X] A suitable photograph [X] is [ ] is not available.
Date photograph was taken 7/18/67
5. [ ] Subject is employed in a key facility and _____ is charged with security responsibility. Interested agencies are _____
6. [X] This report is [redacted] because *(state reason)* it contains information from a [redacted] Bureau source, the unauthorized disclosure of which could have an adverse effect upon the national security of the country.
7. [ ] Subject previously interviewed *(dates)* _____
[X] Subject was not reinterviewed because *(state reason)* of his strong opposition to the U.S. Government and law enforcement in general and his position of influence in the community which could possibly cause embarrassment to the Bureau.
8. [ ] This case no longer meets the [ ] Security Index [ ] Agitator Index criteria and a letter has been directed to the Bureau recommending cancellation.
9. [X] This case has been reevaluated in the light of the [X] Security Index [ ] Agitator Index criteria and it continues to fall within such criteria because *(state reason)* He continues to be an active supporter of SDS, and other New Left groups who are opposed to the U.S. Government, has counselled youths on avoiding the draft, supports the activities of Black activists, continues to actively participate in functions of the New Left which cause disruption throughout the community, and is apparently a leader having tremendous influence, locally and nationally with New Left organizations.
10. [X] Subject's SI card is tabbed [ ] Priority I [X] Priority II [ ] Priority III.
[X] Subject's activities warrant such tabbing because *(state reasons)* of his active anti-U.S. Government attitude and his position of leadership in influencing U.S. citizens against the Government.

-E*- 1121
COVER PAGE

EXHIBIT 30

LIBRARY

GNSS
LIBRARY

June 1975

Report to the President
by the
COMMISSION ON CIA ACTIVITIES WITHIN THE UNITED STATES

PLEASE RETURN TO LIBRARY

COMMISSION ON CIA ACTIVITIES WITHIN THE UNITED STATES
Washington, DC 20500

Nelson A. Rockefeller,
Chairman
John T. Connor
C. Douglas Dillon
Erwin N. Griswold
Lane Kirkland
Lyman L. Lemnitzer
Ronald Reagan
Edgar F. Shannon, Jr.

David W. Belin,
Executive Director

June 6, 1975

The President
The White House
Washington, D.C.

Dear Mr. President:

Your Commission to Investigate CIA Activities within the United States, having completed its assignment in accordance with Executive Order No. 11828 of January 4, 1975, herewith submits its final report.

Respectfully,

Nelson A. Rockefeller, Chairman

John T. Connor

C. Douglas Dillon

Erwin N. Griswold

Lane Kirkland

Lyman L. Lemnitzer

Ronald Reagan

Edgar F. Shannon, Jr.

Appendix VII
Assistance To and From Federal, State and Local Agencies

The following information is provided as a supplement to that material set forth in Chapter 17, Section B, involving CIA assistance to and from state and local law enforcement agencies. Its purpose is to provide additional detail and identify some additional contacts between the CIA and state and local police authorities not referred to in the chapter. As specific Agency files on relations with state and local law enforcement agencies were not established as such until 1970, this summary does not purport to be an exhaustive description of all such activities.

A. Other Assistance Given to State and Local Police

Among those police departments sending representatives to Agency training courses referred to in Chapter 17 were the Washington Metropolitan Police Department, most Washington suburban police departments, the Maryland and Virginia State Police, and the police of Los Angeles, Miami, and Chicago. CIA records show that in 1968 and 1969, four three-week training programs in lockpicking and positive audio surveillance were given to an aggregate of 24 police officials from in and around the Washington, D.C., area. In July and August of 1972, two one-week courses in lockpicking were presented to Washington area police. In September 1972, twelve representatives from the New York Police Department attended a seminar on clandestine collection methodology, the basic theories of intelligence, and the Office of Security's role in the intelligence effort. Other shorter briefings, seminars and demonstrations—on a wide variety of topics—have been sponsored by the Agency.

In 1970 the Office of Security, with the approval of the Director of Central Intelligence, provided six men to the Law Enforcement

Assistance Administration to brief police and local officials on a "trace metal detecting technique" developed by the Agency. These six men, operating as Law Enforcement Assistance Administration consultants, conducted a number of briefings on the technique in different locations throughout the country.

For several years training in explosives detection and disarmament has been given to local police representatives at an isolated Agency facility in North Carolina. That facility was established to provide the Agency with a capability for detecting, handling and disarming all types of explosive devices. Police departments from all over the country have funneled information concerning new types of explosive devices to this CIA facility, which in turn has studied the information and attempted to ascertain the most appropriate methods of detecting and disarming each type of explosive device studied. In turn, the CIA has periodically brought representatives to the facility from local law enforcement agencies to share with them the knowledge it has learned concerning new devices.

Just before the Presidential Inauguration in January of 1969, a representative of the Washington Metropolitan Police Department's Intelligence Division asked the Office of Security to provide the police with several radio-equipped automobiles to assist the Department in monitoring the large groups expected to congregate during the inauguration ceremonies. The purpose of obtaining the CIA equipment was to provide the police department with an additional assigned radio frequency for use in connection with the planned activities during the inauguration, and to open up the Department's own radio frequency for ordinary police communications. Other agencies normally able to assist were fully utilizing their radio equipment during this period. From six to nine radio-equipped automobiles—some privately owned and others Agency owned—were furnished the Department by the CIA under the condition that these vehicles remain totally under the control of Office of Security employees.

The police agreed to this condition and both the vehicles and drivers were provided by the Office of Security. Command posts for monitoring intelligence reports were established at both the headquarters building of the Central Intelligence Agency and the Intelligence Division headquarters of the police department. The CIA also provided footmen radios for other police officers to utilize while on the street, enabling them to communicate with the CIA vehicles or either command post. Similar assistance was rendered by CIA to the Metropolitan Police Department on at least two other occasions (the antiwar moratorium demonstrations in November 1969 and the May Day demonstrations in 1971) and possibly a third.

ABBOTT, SAM

7-4-70

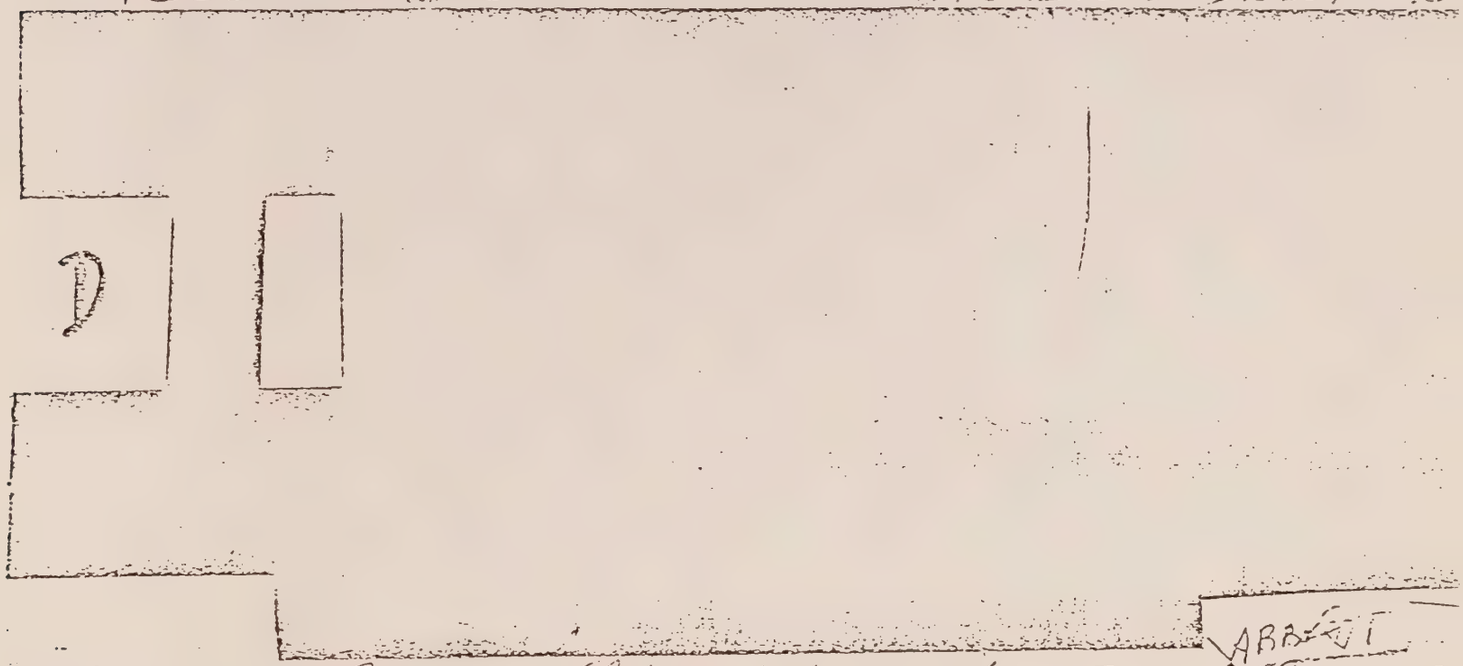
Page 1

Telephone Surveillance - BPP

July 4, 1970

Reel #53

Washington, D.C.



7:10 PM 06-11

Bernard Miles to SAM (LNH). B. ask about the D.C. Transit set up to bring the price down! Sam said they had two meet Thursday & Friday and set a a peoples Transit System a starting this coming Thursday fre the bus fare at 25¢ per person S. said they were getting out a 1000 flyers & deliver to the people on the main Bus routs betw now and then - Press Conferen on Tuesday -

Telephone Surveillence - B.P.P.

July 4, 1970

Reel # 53 Washington, D.C.

7:10pm We have a meting Monday
Cont't night at 7:30pm at Bash
06-L1 Methodist Church, P. I ave a
Lincoln Road - The meting
is to work out the plans - B.
What we are doing now is to
get the people to pay 25¢
and get out the leaflets.
S- said we must to fire
the whole Commission with
people Ownerships and taken
away from Chalk, O. Roy. S
they have going to try to meet
with the transit union Monday
or Tuesday. The Commission is
made up of three white men
Anny from D.C. and 85 year Judge
who lives in Richmond, Va and
Maryland Comm. lives in Baltim
ore. Sam said by the end of
next week we want to have
this thing Go - B. said
he would Check with him
Monday -

Cont. to 5

Bloom, ABC

9-18-70

TELEPHONIC SURVEILLANCE OF BLACK PANTHER PARTY
WASHINGTON, D.C. CHAPTER, WASHINGTON, D.C.
DATE:
REEL: 140 9-18-70

TIME	SUMMARY
1151	Abe Bloom to Linda Young - He
1152	said about the office we spoke about
	last night You can call 737-8600
	He said Ronnie Dellis has the keys to
	the office + to G.A. them from him

EATON, DAVID

10-2-70

TELEPHONIC SURVEILLANCE OF BLACK PANTHER PARTY
WASHINGTON, D.C. CHAPTER, WASHINGTON, D.C.
DATE:
REEL: 159 OCT 2 1970

TIME		SUMMARY
1147		GWEN MOORE TO REV. DAVID EATON OF ALL SOUL CHURCH. GWEN said
OGL3		BIG MAN would like to see you today, as we were turned down from useing the DC Natl. Guard Armory and we want toget the people backing us. EATON said he was tied up today but would be there tomorrow morning. He said his assistant would be there at 3:00 PM this afternoon. CT

BOOKER, REGINALD

11-19-70

TELEPHONIC SURVEILLANCE OF BLACK PANTHER PARTY
WASHINGTON, D.C. CHAPTER, WASHINGTON, D.C.
DATE: NOV. 19, 1970
REEL: 197

TIME	SUMMARY
1318 OGL2	GWEN MOORE TO REGINALD BOOKER. GWEN wants to get the leaders of the black organizations together, Friday (tomorrow) at All Soul's Church about the trouble with getting Howard for the convention. GWEN said HOWARD wants $11,000. BOOKER said they should sit right with Dr. CHEEK and the student government. GWEN she wants to invite JULIUS HOBSON, CHANNING PHILLIPS, WALTER FAUNTROY, LEN BALL, STERLING TUCKER, MARION BARRY, DICK JONES, & SENATOR ED BROOKS of Mass. to this meeting. BOOKER said he will invite some people also. SA PAUL advised. DA

D

POLLOCK, RICHARD

4-20-71

PHONIC SURVEILLANCE OF PEOPLE'S COALITION FOR PEACE AND JUSTICE
Vermont Ave., N.W., Washington, D.C.
[illegible] 36 & 43
[illegible] SUMMARY

12:28 pm RICH POLLACK called RICH (SWAP) [illegible] and gave him the following
[illegible] CG press announcement he had written up re press conference is to
be held on the grounds of the CIA concerning anti-war activities
[illegible] at CIA
Virginia Mayday Coalition and [illegible] press conference
concerning planned anti-war activities on the grounds of CIA
at Langley, Va., at 1:30 pm at [illegible] Room 103, RICH
[illegible] and MIKE POLLACK will co[illegible]

ELEPHONIC SURVEILLANCE — PEOPLE'S COALITION FOR PEACE AND JUSTICE
029 Vermont Ave., N.W., Washington, D.C.
TE: 4/20/71 — WF 2264-S*
L: # 43 — SUMMARY

12:28 pm	(continued). A massive rally is planned on the grounds of CIA to kick off a general and sustained campaign to raise questions concerning the right of CIA to exist in American society. They hope to meet representatives of the CIA. At the present time, they have received assurances from the U.S. Attorney and representatives of the CIA that provisions have been made for the rally on the grounds of the CIA and the antiwar groups have given assurances that it will be peaceful.

WASKOW, ARTHUR

4-22-71

ELECTRONIC SURVEILLANCE [illegible]PLE'S COALITION FOR [illegible]CE AND JUSTICE
1029 Vermont Ave., N.W., Washington, D.C.
DATE: 4-21-71 WF 2264-S*
ENC: #38 SUMMARY

ART WASKOW (sp) to UNMALE. WASKOW FROM Institute of Policy Studies advised they have set up a "Radical Jewish Movement Center" which is named "FABRANGEN" and Located at 2158 Florida Ave near DuPont Circle. This will be open from 4/23/71 thru 5/7/71 and there will be workshops and radical religious services. Telephone numbers are 667-7829 and 462-1982. Questions can be directed to DAVE SHNEYER (SP), MIKE TABOR (SP); and ART WASKOW (sp). The above will sleep 80 people and additional people can be put up in nearby apartments. 9d

EXHIBIT 15

FBI

Date: 7/17/70

Transmit the following in _____ (Type in plaintext or code)

Via AIRTEL _____ (Priority)

TO: DIRECTOR, FBI (100-449698)

FROM: SAC, WFO (100-47757) (P)

COINTELPRO - NEW LEFT

ReBulet 5/10/68.

Enclosed for the Bureau are two copies of an article appearing in the 7/14-24/70 issue of the "Quicksilver Times", an underground type newspaper distributed in the WDC area.

On 7/6/70 the Weathermen SDS fugitives were reassigned from a Criminal - Fugitive squad in WFO to the Security - New Left squad. Upon receiving these cases an intensive interview program in the New Left community was instituted by security squad Buagents.

This program has produced tangible results in the disruption of the day to day activities in the New Left communes, and is also being utilized as a vehicle for the development of informants in this area. Evidence of this disruption can be seen by the fact the "Quicksilver Times" felt it was necessary to devote space to counsel New Left individuals with respect to their legal rights during contacts with the FBI.

The tone of the article indicates that WFO contacts have aroused a great deal of anxiety in the New Left community, and WFO will aggressively continue this program.

1-7124 w/enc ENCLOSURE

2-Bureau (Enc. 2)
1-WFO

EJW:cjb
(3)

REC 8100-447716-53-46

JUL 17 1970

55 JUL 28 1970

Sent _____ M

Agent In Charge

RESEARCH SECTION

In view of the tangible results produced by WFO in this area, the Bureau may deem it advisable to recommend similar activity to other divisions with New Left communities.

FBI pigs turned loose

ncreasing frequency, com-
:ople are answering a
at their front door only to
into the glassy eyes of two
gents.
e pretext for the visit u-
y is to ask questions about
nerwoman Cathy Wilkerson, a
ve of nearby Maryland.
nat should you do if this hap-
to you? First of all, don't
. There is no obligation
soever to answer any questions
ide any information, or even
ourteous to these super pigs.
ey are slick professionals;
.etting them into your
gives them data on what kind
erson you are (got any Che pos-
on the wall?) and how secure your doors, windows, and back entranceways are. You don't have to let them in unless they have a search warrant, though usually they will weasel around this by saying "It's for your own good" or "You don't want to talk, huh? You must have something to hide then."

Recently, their language has become nouveau-hip, "We want to rap with you. We're not redneck local pigs." Or else they'll insinuate that they have incriminating evidence about you and this in turn entices you to speak with them to find out what it is.

Remember, you can't outsmart them because you don't really know what they're looking for. The best guess is that they presently are sniffing around gathering fact and hearsay about the OAS bombings. And from an incrediblo assortment of bits and pieces, they can construct the most inane conspiracy charges: witness the Chicago 8.

The only safe thing is silence. In the interrogation game, there is no room for inflated egos -- "Wow, I talked with some FBI agen and I sure had them fooled." That the road to disaster.

But if they're adamant about questioning you and you can't get rid of them, demand to have your lawyer present. You have a right to counsel whenever you are questioned by pigs, and this will usually so discourage J. Edgar's boys that they leave you alone.

ENCLOSURE

Quicksilver Times
7/14-24/70
p. 17

EXHIBIT 16

UNITED STATES GOVERNMENT

Memorandum

TO : DIRECTOR, FBI (100-449698)

DATE: 12/15/70

FROM : SAC, WFO (100-47757) (P)

SUBJECT: COINTELPRO - NEW LEFT

ReBulet, 5/10/68.

PENDING COUNTER INTELLIGENCE ACTION

WFO has recently developed a close liaison with several WDC realty companies which has provided good coverage of commune type dwellings in the WDC area. This relationship has also provided WFO with two Bureau approved sources one of which was converted from a PSI to [redacted] Prob. The other source remains a CS. Another advantage this program has provided is the breaking up of certain communes when it was agreeable to the best interests of the realty company and the Bureau. Efforts to maintain this liaison and to expand it are continuing.

WFO has also developed a close confidential relationship with one of the administrators of the District of Columbia Welfare Office. This liaison was developed when it was learned that several of WFO's subjects are receiving welfare funds and food stamps. This source has provided valuable background and current whereabouts information on WFO subjects. This source has also been used on occasion to have subjects removed from the welfare roles when information concerning the person's lack of qualifications was confidentially provided to the welfare office. Care had been exercised that the Bureau would not appear to be the source of this information, and in no case was any material provided which could be used to embarrass the Bureau.

(2) - Bureau
1 - WFO
EJW/cn
(3)

REC-57 100-449698-13

EX 107

11 DEC 16 1970

DEC 22 1970

Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan

In an attempt to play upon the seemingly inherent paranoia of the new left community WFO Agents have pursued a program of intensive physical surveillance and interviews of persons with knowledge of new left activity. This program has enhanced the fear that many of the new left people have in those around them, and this fear has manifested itself in dissension and mistrust. This program has also provided benefits in that certain activities of WFO subjects have become more familiar to the case Agent handling that subject.

WFO has also increased its informant coverage in the new left field through an organized program of contacting returning servicemen and more mature college students. This program has produced tangible benefits by providing WFO with informant coverage in new and broader areas.

TANGIBLE RESULTS OF COUNTER INTELLIGENCE ACTION

As has already been indicated in the previous section, tangible benefits in the various programs undertaken by WFO have been evident through the closing of several of the communes in the area, the increased informant coverage, and the removal of WFO subjects from the District of Columbia welfare roles. The fact that no major new left group has made WDC its main base of operation has hampered the creation of a concerted action against any organization, but WFO will remain alert to any possibilities in this respect.

POTENTIAL COUNTER INTELLIGENCE ACTION

WFO has as a confidential source an experienced and able photographer who has in the past provided photographic coverage in many important areas. WFO is currently considering an idea whereby this person would be established in a free lance business making a documentary of the new left movement. Such a project would have many potential aspects which could be exploited as counter-intelligence measures against the New Left. The second purpose of this program would

be to make the source better known and more accepted in the movement which could increase the source's value greatly. WFO intends to develop and present a plan for approval of this program within the coming period.

EXHIBIT 17

		Date prepared 5/4/72
Date received 4/28/72	Received from (name or symbol number)	Received by SA JOHN L. STANLEY

Method of delivery (check appropriate blocks)

☒ in person ☐ by telephone ☐ by mail ☐ orally ☐ recording device ☒ written by Informant

If orally furnished and reduced to writing by Agent: Date Dictated _____ to _____ Transcribed _____ Authenticated by Informant _____	Date of Report 4/28/72 Date(s) of activity
Brief description of activity or material [redacted]	File where original is located if not attached [redacted]

* INDIVIDUALS DESIGNATED BY AN ASTERISK (*) ONLY ATTENDED A MEETING AND DID NOT ACTIVELY PARTICIPATE. VIOLENCE OR REVOLUTIONARY ACTIVITIES WERE NOT DISCUSSED.

☐ Information recorded on a card index by _____ on date _____.

Remarks:

INFORMANT HAS FURNISHED RELIABLE INFORMATION IN THE PAST.

(3) WFO [redacted]

[redacted]

157-1100 (D. EATON)

55

Block Stamp

157-1100-135

SEARCHED ____ INDEXED ____
SERIALIZED ____ FILED ____
MAY 3 1972
FBI — WASH. FIELD OFFICE

KR 0435

Info

JLS/lle
(3)

[redacted]

April 28, 1972
Wash., D. C.

[redacted] has joined All Souls Unitarian Church and has become a trustee. He has introduced a resolution stating that the next four sermons preached by the minister, David Eaton, be against the war. [redacted] was most gleeful about [redacted] action. It may not pass, but it will split the church.

THE ABOVE IS A XEROXED COPY OF THE ORIGINAL INFORMANT REPORT.

ALL NECESSARY ACTION WHICH SHOULD BE TAKEN IN CONNECTION WITH THIS INFORMATION HAS BEEN TAKEN.

E-4-5

EXHIBIT 18

MF 100-3816 - 3

NEIGHBORS:

(The 1958, 1959, and 1960 Madison City Directories show that one ALLAN N. SHERMAN was the owner of the house at 430 North Frances Street, Madison.)

[redacted] Madison, advised [redacted]

B

[redacted] ago, when it was [redacted] of the current buildings in the [redacted] on North Frances Street are apartment-type dwell[redacted] used for commercial purposes except the building [redacted] is probably the only person currently living [redacted] It was living on the 400 block of North Frances Street during the period that the SHERMANs owned the building at 430 North Frances Street.

[redacted] pointed out that [redacted] second and third floors of 430 North Frances [redacted] during the period of the SHERMAN ownership, to UW students. Mr. and Mrs. SHERMAN resided on the first floor and therefore were able to closely watch the renters and to [redacted] sure that the building was maintained in good repair. [redacted] said that [redacted] could not recall either the [redacted] employee or her husband by name as having been a renter at [redacted] North Frances Street [redacted] boarding [redacted]

[redacted] surmised that if the WASKOWs did rent [redacted] they were probably people of good character and paid their rent according to the rental contract. Tenants who failed to pay their rent on time or who received notoriety on the UW campus for their radical political beliefs or subversive activities are [redacted] remembered by name by [redacted] indicated that because [redacted] could not recall the WASKOWs by name, they were not [redacted] of this type and were probably law abiding loyal individuals.

MI 140-1516

B

[redacted] Madison, said on [redacted] lived at this address since [redacted] The building at 430 North Frances Street, [redacted] was torn down about five years ago for a parking lot. From approximately 1958 until the building was torn down, it was owned by the SHERMAN family, who still live in Madison. The SHERMANs rented rooms to UW students.

[redacted] said that neither the employee or her husband are known to [redacted] by name. The SHERMANs were very particular in who they allowed to rent from them at 430 North Frances Street and only reputable students were allowed to live there.

According to information available to [redacted] all of the people who use to own houses in the 400 block on North Frances Street during the period that the SHERMANs lived there have since moved from the Madison area or died. Their homes are now being used as student apartments or stores as property in the area has become quite valuable because it is situated on the edge of the UW campus.

Mrs. SHERMAN may recall the WASHOWs as she personally handled the renters who lived at 430 North Frances Street. [redacted]

NO [illegible]-2716 -B
KHS:lcs
1

MISCELLANEOUS

1000 Wyoming Avenue, N. W.
Washington, D. C. (NSA)

On December 10, 1960, [redacted] that [redacted] to the employee, nor [redacted] the children [redacted] local the present time. [redacted] noted the employee was [redacted] purchasing the [redacted] Wyoming Avenue, N. W.

[redacted] stated that [redacted] her husband have two children, ages 8y and 7y. [redacted] noted the employee works part-time as a [redacted] for the National Institute of Dental Health. [redacted] described the employee as a "marvelous person" who is an asset to [redacted] and wife and who has been active in community [redacted] stated the NASMC's are highly regarded in this [redacted] because of their activities with regard to [redacted] to improve conditions of the less fortunate in the [redacted] neighborhood. [redacted] stated the employee and her husband were [redacted] strong supporters of the Vietnam Veterinarium which [redacted] took place. [redacted] stated the employee is a [redacted] with reputation and moral character. [redacted] stated [redacted] concerning the loyalty of the [redacted] her husband, [redacted] stated [redacted] knowledge the employee is not a member of any organization, membership in which would preclude her employment in the Federal Government. [redacted] highly recommended her for continued employment with the [redacted] Government.

On December 11, 1960 [redacted]

[redacted] Avenue, N. W., [redacted] stated

[illegible] only contact [illegible] the WASHCOs since [illegible] stated they appear to be a reputable [illegible] noted the employee is a good mother and [illegible] state's [illegible] association with the WASHCOs, [illegible] learned anything reflecting adversely on the character, association, reputation or loyalty of the employee [illegible] known of no reason why the employee should not be employed by the Federal Government.

On December 16, 1969, [illegible] advised that [illegible] had known the WASHCOs on a limited basis [illegible] for the past four years. [illegible] stated most contact [illegible] association with them has been in regard to community [illegible], one instance being efforts to [illegible] stated the employee, so far as [illegible] knows, is a responsible and reputable person [illegible] has noted nothing derogatory as to her moral character or associations. [illegible] had no cause to doubt her loyalty to the United States and would consider her suitable for Federal employment.

On December 16, 1969, [illegible] has known the employee for approximately [illegible] years in the neighborhood.

[illegible] in connection with [illegible] the employee has been extremely helpful in [illegible] and in poverty work with underprivileged children [illegible] assured the employee has been most helpful and [illegible] has a very high opinion of her as a person. [illegible] knew nothing unfavorable regarding her moral character, reputation or associations. [illegible] described her as a loyal [illegible] is concerned over people who live around her. [illegible] is not acquainted with the employee [illegible] highly recommended [illegible] for retention.

114 Fifth Street, S. E.
Washington, D. C.

On December 10, 1969, [redacted] that the employee who her husband rented that house [redacted] fall of 1963 until the fall of 1965, [redacted] stated the WASKOWs [redacted] were highly respectable people while residing in the neighborhood [redacted] learned nothing of an unfavorable nature regarding the employee's moral character or habits. [redacted] is not acquainted with the employee's associations and does not question the loyalty of the employee or her husband. [redacted] described the WASKOWs as "sound, legitimate people." [redacted] was aware of ARTHUR WASKOW's activities in anti-war and related fields and [redacted] had learned from public newspapers. [redacted] stated that while [redacted] does not agree with WASKOW's thinking on a lot of things [redacted] does not doubt his sincerity or his basic loyalty. [redacted] feels the employee is suitable for Federal Employment.

On December 10, 1969, [redacted] was casually acquainted with the employee and her husband for approximately two years when they lived in the neighborhood. [redacted] that they lived very quietly and from all appearances were respectable and desirable neighbors. [redacted] had no cause to question the employee's character, associates, reputation or loyalty. [redacted] know of no reason why she should not be employed by the Federal Government.

On December 15, 1969, [redacted] advised the employee, her husband and two children lived in this neighborhood for approximately two years about four years ago. [redacted] stated although knowing they were in the neighborhood [redacted] never had any great degree of association with them. [redacted] they caused no trouble in the neighborhood as far as [redacted] knows. [redacted] considers them highly respectable people. [redacted] has no unfavorable information concerning the employee's character, associates, reputation or loyalty. [redacted] feels the employee should not be employed by the Federal Government.

WFO 140-66724
4

322 Second Street, N. E.
Washington, D. C.

On December 11, 1969,

advised an employee and her husband resided at apartment [redacted] 322 Second Street, N. E., Washington, D. C., from October, 1961 until August, 1963. [redacted] noted they had previously resided at [redacted] N. W., Washington, D. C.

On December 12, 1969, [redacted] 322 Second Street, N. E., stated [redacted] recalls the employee and her husband lived in Apartment 23 of this building for about two years in 1961 - 63. [redacted] stated they were a very fine couple and [redacted] noted the employee worked for the Department of Health, Education and Welfare. [redacted] stated the WASKOWs had one child when they left here and moved to get a larger apartment since the employee was expecting a second child. [redacted] stated [redacted] has seen the employee two or three times since that time, having met her on the street. [redacted] considers the employee to be a woman of excellent morals, habits and reputation. [redacted] had no knowledge of her associations but had no question concerning her loyalty. [redacted] recommended the employee for continued Federal employment.

[redacted] noted that there are no tenants now in the apartment building who resided here as early as 1963.

On December 10, 1969, [redacted] advised that they have no knowledge of the employee.

2273 Champlain Street, N. W.,
Washington, D. C.

On December 15, 1959 [redacted]

[redacted] was employed at [redacted] from December 11, 1959 until July 11, 1961.

On December 15, 1959 [redacted] recalled that a couple by the name of [redacted] formerly resided in this apartment building a number of years ago. [redacted] could recall nothing unfavorable regarding them but could not comment further.

A check of current City and Telephone Directories for the Washington, D. C., area has failed to determine the current whereabouts of other former residents at 2273 Champlain Street, N. W., during [redacted].

405 First Street, S. E.,
Washington, D. C.

On December 15, 1959 [redacted] advised the property at [redacted], S. E., was formerly handled by [redacted] during the 1950's and early 1960's. [redacted] noted that she recalled two apartments in the building at that address [redacted] per week. [redacted] stated she no longer [redacted] former tenants of these apartments and has no [redacted] the employee or her husband.

WFO 140-26721
6

(13)

[redacted] December 10, 1960 [redacted] advised that [redacted] had not ever been known using this period 1959 - 1960 and, therefore, he had no knowledge of the employee and her husband when they lived at this address.

[redacted] December 10, 1960 [redacted] both of whom were residing in this neighborhood during the period 1959-60 advised the employee is unknown to them.

EXHIBIT 19

POLLOCK, RICHARD

WF-2264-S

4/20/71

NW

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 6/12/13 BY 60322 UCBAW/STP

HQ

MASKOW, ARTHUR

WF-2204-S*

4/22/71

WFO

HASKOM, PASTEUR

ME-2204-ST

4/22/71

NO

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 6/1/2131 BY DP2 Vlas

FD-142 (Rev. 2-6-64)
OFFICIAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27

UNITED STATES GOVERNMENT

Memorandum

JUNE

TO : DIRECTOR, FBI (Bufile 105-165706 Sub 53) DATE: 5/5/70

FROM : SAC, WFO (157-2825)

SUBJECT: RECOMMENDATION FOR INSTALLATION OF TECHNICAL ~~XXXXXXXXXX~~ SURVEILLANCE

RE: Title NATIONAL COMMITTEE TO COMBAT FASCISM (NCCF)
Character of Case RACIAL MATTERS
Field Office WASHINGTON FIELD
Symbol Number
Type of Surveillance (Technical xx ~~XXXXXXXX~~

1. Name and address of person or organization on whom surveillance is to be placed: NATIONAL COMMITTEE TO COMBAT FASCISM (NCCF)
2327 - 18th Street, N. W., Washington, D. C.

2. A. Address where installation is to be made (set forth exact room number or area to be covered): Installation will be made at a distan
away from building occupied by subject organization and will not involve
tresspa
B. Location where monitoring plant is to be maintained:

If approved, a separate monitoring facility will be established.

3. Previous and other current installations on the same subject:

None

4. Cost and manpower involved:

Three Agents at approximately $15,000 per year.
Rent for monitoring space at estimated $200 per month - total cost approximately $47,400 per year.

REC 4 105-165706-53-202

5-MAY 14 1970

5. Adequacy of security:

Maximum

(2) - Bureau
1 - WFO

RFO:tdl (3)
Registered Mail

The NCCF is the organizing bureau of the Black Panther Party (BPP). It is active in the sale of "The Black Panther" newspaper in WDC, and

6. Type of case involved: receives direction from National Headquarters, Berkeley, California. The BPP was started during December, 1966, in Oakland, Calif., to organize black people to take control of the life politics, and destiny of the black community. The official newspaper, "The Black Panther", states that the BPP advocates the use of guns an guerrilla tactics in its revolutionary program to end oppression of t black people. Residents of the black community are urged to arm them selves against the police who are consistently referred to as "pigs" who should be killed.

7. Connection or status of subject in the case:

NA

8. Specific information being sought: Information regarding the revolution program, teachings, and policies of the NCCF-BPP. Acts and attempted acts in furtherance thereof. Identification of NCCF members and sympathizers, cohesion or unity between National and Local chapters, visits by national officers or representatives to local chapters, guidance and direction from headquarters or request for same by local chapters.

9. Reasons for believing the specific information will be obtained by the technical surveillance: Investigation has determined that the local chapter NCCF, WDC, is in contact with other NCCF chapters in t U.S., including BPP National Headquarters, Berkeley, Calif. JAMES EUGENE WILLIAMS, JR., Chairman, NCCF Chapter, WDC, received instruct from BPP National Headquarters, Berkeley, to report to National Headquarters during April, 1970. WILLIAMS has also received instructions from the Philadelphia Branch regarding the printing of material.

10. Importance of case and subject: The NCCF-BPP is rapidly expanding thr out the U.S. and is a growing threat to the national security. It claims the vanguard role in the revolution and in their vociferous advocacy of assassination of law [illegible] and other officials.

Method of operation includes instruction of members in use of firearms, explosives, and other destructive techniques.

11. Possibilities of obtaining desired information by other means (Explain in detail): Vigorous efforts are being made by WFO to develop live informant coverage to effect intensive penetration, especially in higher levels of WDC chapter. WFO is of opinion that an aggressive program aimed toward identifying local members, sympathizers; cohesion, guidance, and direction from BPP National Headquarters, travel plans of national and local members warrants total utilization of available techniques. Together with available live informant coverage, technical coverage requested will provide WFO with an increased sphere of knowledge into the overall activities of the NCCF-BPP which will further assist this office in analyzing, evaluating, and anticipating future NCCF-BPP activities in the Washington area not presently available through other source coverage.

12. Risks of detection involved:

None

13. Probable length of technical surveillance:
Indefinite

14. Request made for technical surveillance by any outside agency (name specific official, title and agency):

None

15. Remarks: [redacted]

16. Recommendation of Assistant Director:

ROUTE IN ENVELOPE

UNITED STATES GOVERNMENT

Memorandum

TO : Mr. W. C. Sullivan JUNE

FROM : G. C. Moore

1 - Mr. C. D. DeLoach
1 - Miss Holmes
1 - Mr. W. B. Soyars
DATE: 5/20/70
1 - Mr. W. C. Sullivan
1 - Mr. G. C. Moore
1 - Mr. M. J. Rozamus
1 - Mr. A. B. Fulton
1 - Mr. W. C. Patterson

Tolson
DeLoach
Sullivan
Mohr
Bishop
Casper
Callahan
Conrad
Felt
Gale
Rosen
Sullivan
Tavel
Soyars
Tele. Room
Holmes
Gandy

SUBJECT: BLACK PANTHER PARTY -
NATIONAL COMMITTEE TO
COMBAT FASCISM
WASHINGTON FIELD OFFICE
RACIAL MATTERS D.C.

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED

This is to recommend that attached memorandum be directed to the Attorney General requesting authority to institute a telephone surveillance on the office of the Black Panther Party (BPP) front group, the National Committee to Combat Fascism (NCCF) in Washington, D. C.

The BPP is the most violent black organization on the scene today, and represents the most serious threat to the internal security of the country as a result of its revolutionary aims. The NCCF is described as an organizing bureau of the BPP. It is actually a BPP chapter under the strict discipline of the BPP national headquarters.

The NCCF in Washington, D. C., is located at 2387 18th Street, N.W., Washington, D. C., and serves as a residence for some of the members. It has a membership of from 10 - 20. The NCCF shares office space with the Patriot Party, a group of radical whites concerned with aiding the oppressed whites and advocating the teachings of Marxism and of the BPP. The NCCF and the Patriot Party have joined forces to form the Rainbow Coalition with the alleged purpose of combating fascism. The NCCF has increased activities since formed in November, 1969. The NCCF sells BPP newspapers, has representatives speaking at high schools, colleges and rallies, and distributes inflammatory literature. NCCF is interested in obtaining firearms and one shoulder weapon recently was observed being taken into NCCF headquarters.

There are currently 37 telephone surveillances in operation and two additional ones are awaiting installation in cases being handled by the Domestic Intelligence Division. Approval of this request will bring the total to 40.

105-165706 Sub 53

REC-10

Enclosure 5-21-70

CONTINUED - OVER

15 JUN 4 1970

WCP:amk
(9)

6 JUN 9

Memorandum to Mr. Sullivan
Re: Black Panther Party -
National Committee to
Combat Fascism
Washington Field Office
105-165706 Sub 53

In view of the violence-prone nature of the BPP, it can be anticipated subjects involved in past or future criminal violations may be monitored. We have previously pointed this out to the Attorney General and he has furnished guidelines regulating actions to be taken in such instances. If you approve this installation, these guidelines will be followed by the Washington Field Office.

Washington Field Office has advised this installation is feasible, no trespass will be involved, and full security is assured.

RECOMMENDATION:

That the attached memorandum be sent to the Attorney General in line with the above.

ADDENDUM OF W. B. SOYARS, JR. 5-21-70 WBS:crt

This requests a new telephone surveillance be authorized on office of front group of Black Panther Party (BPP), Washington, D. C. Potential for obtaining good intelligence data is present.

We are operating or have approval for 39 telephone surveillances. If approval granted this new telephone surveillance would bring us to our limit of 40.

We have 8 other telephone surveillances on BPP offices (Chicago, Detroit, Los Angeles, New Haven, San Francisco (2), and New York City (2)) and have Attorney General authorization for one more in New York City which is not yet installed. Thus, approval of this new telephone surveillance will bring to 10 the number of such sources covering BPP activities.

Approval recommended.

UNITED STATES GOVERNMENT

Memorandum

ROUTE IN ENVELOPE

Tolson
DeLoach
Mohr
Bishop
Casper
Callahan
Conrad
Felt
Gale
Rosen
Sullivan
Tavel
Soyars
Tele. Room
Holmes
Gandy

TO : W. C. Patterson

DATE: 5/25/70

JUNE

SUBJECT: BLACK PANTHER PARTY (BPP) -
NATIONAL COMMITTEE TO COMBAT FASCISM (NCCF)
WASHINGTON FIELD OFFICE
INTERNAL MATTERS

Enclosed is the original of a memorandum dated 5/21/70, from the Director to the Attorney General requesting authority to initiate a telephone surveillance on the NCCF, Washington, D. C. Coverage was approved 5/21/70, by the Attorney General and was returned to the Bureau on 5/21/70.

ACTION:

For information.

ENCLOSURE

105-165706-53

1 - Mr. W. C. Patterson

WCP:lcs
(2)

REC 17 105-165706-243

25 JUN 5 1970

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 7-24-81 BY SP1AP6C

5-DIS

6 JUN 9 1970

OFFICE OF THE DIRECTOR

SECRET

UNITED STATES DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION

WASHINGTON, D.C. 20535

May 21, 1970

MEMORANDUM FOR THE ATTORNEY GENERAL

RE: BLACK PANTHER PARTY -
NATIONAL COMMITTEE TO COMBAT FASCISM
WASHINGTON FIELD OFFICE

The Black Panther Party (BPP) is a black extremist organization with national headquarters in Berkeley, California, and has affiliated groups in 39 cities throughout the United States with a hard-core membership of approximately 900. The National Committee to Combat Fascism (NCCF), which is described as an organizing bureau of the BPP, has been formed in Washington, D. C. It is actually a BPP Chapter under the strict discipline of the BPP national headquarters. Its headquarters in Washington, D. C., is located at 2387 18th Street, N.W., Washington, D. C.

The public statements of the leaders of the BPP repeatedly stress that the organization's objective is an armed black revolution against the Government of the United States by means of guerrilla warfare. Information is regularly received showing that its members are required to possess guns and have been instructed in their use. They have been trained in the preparation of fire bombs and explosives. The organization strongly supports the Cuban and Chinese Communist revolutionaries.

The NCCF in Washington, D. C., has a membership of from 10 to 20. [redacted]

D

SECRET
Group 1
Excluded from automatic
downgrading and
declassification

SEE TAPE
ON 2-28-81

~~SECRET~~

Memorandum for the Attorney General

[redacted]

The NCCF, since its formation in November, 1969, by members of the BPP, has increased its activities considerably. Members now sell the Black Panther newspaper, speak at high schools, colleges and rallies, and distribute inflammatory literature. Information recently obtained indicates its members are interested in obtaining firearms and one source has reported seeing a shoulder weapon being taken into the NCCF headquarters.

The telephone surveillance on the BPP national headquarters, which has been authorized by you, has proven to be most valuable. Information so received indicates almost daily contact between the Washington, D. C., NCCF and the national BPP headquarters. It is felt that the installation of a telephone surveillance at the NCCF in Washington, D. C., will not only furnish valuable information concerning the revolutionary activities of the BPP in the United States, but will also furnish information regarding any violent actions that may be planned against top officials of this country. Live informants are furnishing information regarding activities of this group but additional coverage is vital to insure awareness of all revolutionary activities of the organization.

It is requested that authority be granted for a telephone surveillance on the NCCF located at 2387 18th Street, N.W. Washington, D. C. Interception will be away from this address and no trespass is involved.

Respectfully,

J. Edgar Hoover

John Edgar Hoover
Director

APPROVED _____

DATE 1/5/71

~~SECRET~~

FD-141 (Rev. 4-2-63)
GENERAL SERVICE ADM. NO. 16
MAY 1963 EDITION
GSA GEN. REG. NO. 27

UNITED STATES GOVERNMENT

Memorandum

JUNE

TO : DIRECTOR, FBI (Bufile 105-165705) DATE: 8/17/70
Sub 53

FROM : SAC, WFO (157-2825 Sub 2)

SUBJECT: JUSTIFICATION FOR CONTINUATION OF TECHNICAL ~~SURREPTITIOUS ENTRY~~ SURVEILLANCE

RE: Title BLACK PANTHER PARTY (BPP)
WASHINGTON, D.C. CHAPTER
Character of Case RACIAL MATTERS
Field Office WASHINGTON FIELD
Symbol Number WF 2141-R* ~~SOURCE DEPT.~~
Type of Surveillance: (Technical ~~xx~~
~~Surreptitious~~) D.C

1. Name of person or organization on whom surveillance placed:
Black Panther Party - Washington, D.C. Chapter

2. Address where installation made. Also give exact room number or area covered:
2327 18th Street, N.W., Washington, D.C. (WDC)
1932 17th Street, N.W., WDC

3. Location of monitoring plant:
D [redacted]

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED EXCEPT WHERE SHOWN OTHERWISE DATE 7-28-81 BY SP2 TMB

4. Dates of initial authorization and installation:
Bureau authorization received 5/26/70
Installed 6/10/70

5. Previous and other installations on the same subject (with dates and places):
None

100 REC-7 105-165705-53-46

6. If installation is a technical surveillance, answer following questions:

a. Is a trunk line utilized? Yes

b. Is the surveillance on a switchboard? No

c. Is the surveillance on a publ[illegible]ated telephone? No

22 AUG 19 1970

Registered Mail
2-Bureau

d. Is surveillance on a private line or a party line? Private

e. If a party line, how many parties?

7. If a microphone surveillance involved, state number of microphones actually used and location of each:

NA

8. Is the installation part of a tel-mike? If so, give symbol of other side of the combination:

No

9. Specific examples of valuable information obtained since previous report with indication of specific value of each item and the date information received. State what use was made of each item involved: (Add insert pages)

(See Attached)

10. Could above information have been obtained from other sources and by other means?

No

11. Number of live informants (in field division) who cover same subject: [redacted]

B

12. Has security factor changed since installation? No

13. Any request for the surveillance by outside agency (give name, title and agency): No

14. Cost of Plant Premises:

a. Rental costs for plant premises: $129.00 per month

b. Give total number of other surveillances monitored at same plant.

None

157-2825

c. If any others, set out the proportionate cost of instant surveillance:
None

15. Cost of Leased Line for instant installation? None

16. Personnel Costs:

a. Give total number of special employees and/or Special Agents working at plant and total salary costs.
Four Agents at approximately $15,000 per year.
Total cost approximately $60,000 per year.

b. Total number of man hours per week spent at plant?
224 per week

c. If other installations monitored at same plant, list proportionate number of man hours per week spent on instant surveillance:
NA

d. If other installations monitored at same plant, list proportionate salary expense per annum for instant surveillance:
NA

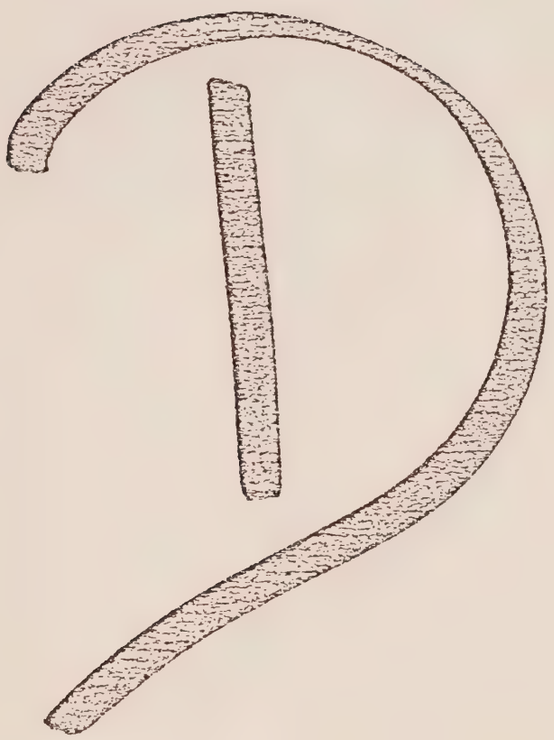
17. Remarks (By SAC):

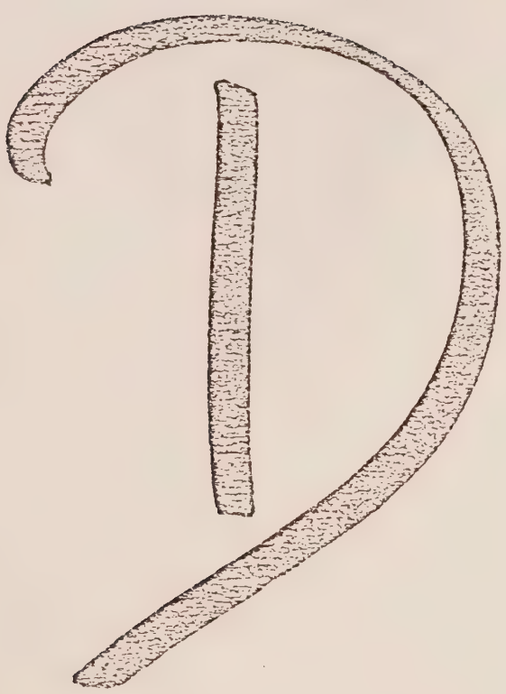
I recommend continuation of surveillance on BPP Headquarters, Washington, D.C.

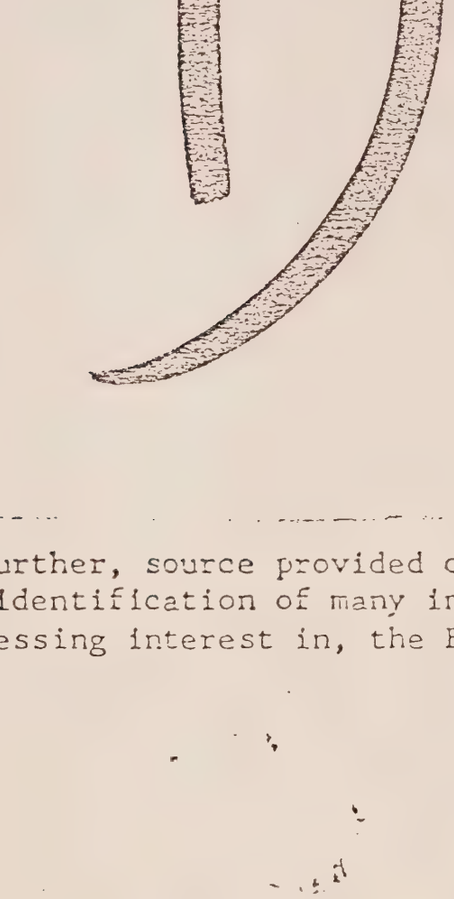
8. Recommendation by Assistant Director:
(If this surveillance involves cryptanalysis, include statement that decrypted material is or is not sufficiently important to continue decrypting.)

WFO 157-2825

9.







Further, source provided considerable information leading to identification of many individuals lending support to, or expressing interest in, the BPP, WDC.

ROUTE IN ENVELOPE

UNITED STATES GOVERNMENT

Memorandum

1 - Mr. W. C. Sullivan
1 - Miss Holmes
1 - Mr. C. D. Brennan

TO : MR. C. D. BRENNAN

DATE: August 19, 1970

1 - Mr. Soyars
1 - Mr. G. C. Moore
1 - Mr. Dix
1 - Mr. A.B.Fulton
1 - Mr. Patterson

FROM : MR. G. C. MOORE

SUBJECT: BLACK PANTHER PARTY (BPP)
WASHINGTON, D. C.
RACIAL MATTERS

This is to recommend that the attached memorandum be directed to the Attorney General (AG) requesting authority to continue our telephone surveillance on the Washington, D. C., headquarters of the violence-prone BPP, located at 2327 18th Street, N.W., and 1932 17th Street, N.W., both in Washington, D. C.

On 5/21/70 the AG approved a telephone surveillance (tesur) of the National Committee to Combat Fascism (NCCF) headquarters at 2327 18th Street, N.W., Washington, D. C. By memorandum dated 7/21/70 we advised the AG that the NCCF in Washington, D. C., had become a recognized chapter of the BPP and due to increased activity expanded its headquarters and obtained additional space at 1932 17th Street, N.W., Washington, D. C. We advised the AG that we were installing a tesur at this new address while continuing our coverage at 2327 18th Street, N.W., Washington, D. C.

This coverage continually provides highly valuable data regarding BPP operations in Washington, D. C., and also information concerning visits of national officers of the BPP to Washington, D.C., to attend various BPP functions.

Examples of the type of data received include: (1) Identities of the organizers of the Rally in Support of the Black Panther Party held 6/19/70 in Washington, D. C. (2) Advance information concerning identities of the speakers to appear at the Rally in Support of the Black Panther Party. (3) Information that a group in Alexandria, Virginia, was interested in forming a BPP branch in that city at the location, 600 North West Street, Alexandria, Virginia. (4) On 7/11/70 it was learned members of the BPP chapter in Washington, D. C., were going to a staff meeting in New York City on 7/12/70. (5) On 7/24/70, information developed that a planning session was to be held at Howard University, Washington, D. C., 8/8-9/70. This planning session was in connecti

105-165706 Sub 53 EX-100 REC-52

Enclosure

WCP:ekw
(9)

AUG 27 1970

CONTINUED - OVER

with the BPP-organized Revolutionary People's Constitutional Convention to be held 11/4/70 at an undesignated location. (6) [redacted] indicated an interest in forming a chapter of the BPP in Charlottesville, Virginia. (7) During the period 7/29/70 through 8/6/70 various individuals interested in participating in the planning session at Howard University on 8/8 and 9/70 were identified. (8) Source also has provided during this period information concerning travel of BPP leaders and has led to the identification of many persons lending support to or expressing interest in the BPP in Washington, D. C.

ACTION:

If you approve, the attached memorandum will be sent to the AG requesting authority to continue this telephone surveillance for an additional three months effective 8/21/70.

ADDENDUM OF W. B. SOYARS, JR. 8-19-70 WBS:crt

This telephone surveillance of the Black Panther Party (BPP) in Washington, D. C., was installed 6-10-70. Since that time it has furnished us valuable information regarding planned activities of the BPP, data as to internal operations, and identities of BPP members and sympathizers.

Continuation justified and recommended for an additional 90 days.

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27

5010-106

ROUTE IN ENVELOPE

UNITED STATES GOVERNMENT

Memorandum

Tolson
Sullivan
Mohr
Bishop
Brennan, C.D.
Callahan
Casper
Conrad
Felt
Gale
Rosen
Tavel
Walters
Soyars
Tele. Room
Holmes
Candy

TO : MR. G. C. MOORE

DATE: August 20, 1970

FROM : MR. W. C. PATTERSON

SUBJECT: BLACK PANTHER PARTY (BPP)
RACIAL MATTERS

JUNE

Enclosed is the original of a memorandum dated 8/19/70, from the Director to the Attorney General, requesting authority for a three-month continuance of a telephone surveillance on the office of the BPP at 2327 18th Street, N.W., and at 1932 17th Street, N.W., Washington, D. C., effective 8/21/70. This coverage was originally approved by the Attorney General on 5/21/70.

ACTION:

For information.

Enclosure

105-165706 Sub 53

1 - Mr. G. C. Moore
1 - Mr. W. C. Patterson

WCP:ekw
(3)

ENCLOSURE

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 7-28-81 BY SP2 TP/AM

REC-15 105-165706-53-1414

EX-100

1 AUG 25 1970

5-pk

SEP 3 1970

SPEC. INV. SEC.

OFFICE OF THE DIRECTOR

~~SECRET~~

UNITED STATES DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION

WASHINGTON, D.C. 20535

(RI) 105-165706 Sub 53

August 19, 1970

MEMORANDUM FOR THE ATTORNEY GENERAL

RE: BLACK PANTHER PARTY
WASHINGTON, D. C.

You previously authorized on May 21, 1970, a telephone surveillance on the Washington, D. C., chapter of the National Committee to Combat Fascism (NCCF) located at 2327 18th Street, N.W., Washington, D. C.

You were advised by memorandum dated July 21, 1970, that the NCCF in Washington, D. C., was recognized as an official chapter of the Black Panther Party (BPP) and that due to a division of the BPP headquarters, a telephone surveillance was being installed at an additional office of the BPP located at 1932 17th Street, N.W., Washington, D. C. The telephone surveillance was continued at the BPP office located at 2327 18th Street, N.W., Washington, D. C. This coverage continually provides highly valuable data regarding BPP operations in Washington, D. C., and also information concerning visits of national officers of the BPP to Washington, D. C., to attend various BPP functions. This necessary information is not available from any live source.

Examples of the type of data received include: (1) Identities of the organizers of the Rally in Support of the Black Panther Party held June 19, 1970, in Washington, D. C. (2) Advance information concerning identities of the speakers to appear at the Rally in Support of the Black Panther Party. (3) Information that a group in

~~SECRET~~

~~Group 1~~

~~Excluded from automatic downgrading and declassification~~

CLASSIFIED BY 5127 AP 6W
7-28-81

~~SECRET~~

MEMORANDUM FOR THE ATTORNEY GENERAL

Alexandria, Virginia, was interested in forming a BPP branch in that city at the location, 600 North West Street, Alexandria, Virginia. (4) On July 11, 1970, it was learned members of the BPP chapter in Washington, D. C., were going to a staff meeting in New York City on July 12, 1970. (5) On July 24, 1970, information was developed that a planning session was to be held at Howard University, Washington, D. C., August 8 and 9, 1970. This planning session was in connection with the BPP-organized Revolutionary People's Constitutional Convention to be held November 4, 1970, at an undesignated location. (6) On August 5, 1970, [redacted] indicated an interest in forming a chapter of the BPP in Charlottesville, Virginia. (7) During the period July 29 through August 6, 1970, various individuals interested in participating in the planning session at Howard University on August 8 and 9, 1970, were identified. (8) Source also has provided during this period information concerning travel of BPP leaders and has led to the identification of many persons lending support to or expressing interest in the BPP in Washington, D. C.

The monitoring of this surveillance will be conducted in accordance with instructions contained in your letter of July 14, 1969, entitled "Electronic Surveillances." Your authority is requested to continue this telephone surveillance on the Washington, D. C., headquarters of the BPP at 2327 18th Street, N.W., and at 1932 17th Street, N.W., Washington, D.C., for an additional three months effective August 21, 1970.

Respectfully,

J. Edgar Hoover

John Edgar Hoover
Director

APPROVED: [signature]

DATE: 8/19/70

~~SECRET~~

FD-142 (Rev. 2-6-64)
OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27

UNITED STATES GOVERNMENT

Memorandum

TO : DIRECTOR, FBI (Bufile) DATE: 3/19/71

FROM : SAC, WFO (100-52854) (P)

SUBJECT: RECOMMENDATION FOR INSTALLATION OF TECHNICAL OR MICROPHONE SURVEILLANCE

RE: Title DEMONSTRATIONS SPONSORED BY PEOPL
COALITION FOR PEACE AND JUSTICE (PCPJ), WASHINGTON, D. C., MAY, 1971
IS - MISCELLANEOUS, VIDEM
Character of Case
Field Office
Symbol Number
Type of Surveillance (Technical ~~or Microphone~~)

1. Name and address of person or organization on whom surveillance is to be placed: Peoples Coalition for Peace and Justice, 1029 Vermont Ave., Washington, D.C.(WDC) [redacted]

2. A. Address where installation is to be made (set forth exact room number or area to be covered):
Installation will be made at a point removed from above addresses

B. Location where monitoring plant is to be maintained: WFO
will not involve trespass.

3. Previous and other current installations on the same subject:
None

REC 44 100-446175-

4. Cost and manpower involved:
No leased line costs.

Approximately $1500.00 per month manpower cost.

APR 5 1971

5. Adequacy of security:
Maximum

(2) - Bureau
4 - WFO
( )

Registered Mail

JFM:
(6)

6. Type of case involved: Massive demonstrations in WDC co-sponsored by PCPJ and National Peace Action Coalition beginning 4/24/71 and continuing through 5/6/71, utilizing civil disobedience, guerilla tactics, and possible bombings commencing 4/1/71.

7. Connection or status of subject in the case: PCPJ advocates civil disobedience and is not opposed to violence during Spring, 1971 demonstrations. [redacted]

D [redacted]

8. Specific information being sought: Planned violent demonstration activities, possible kidnapping of government officials, and bombing of government facilities and/or utilities.

9. Reasons for believing the specific information will be obtained by the technical surveillance:

D Data obtained from [redacted] and [redacted] indicates members of PCPJ [redacted] conduct extensive planning of demonstration activities telephonically. Technical surveillance will also provide considerable information of lead value.

10. Importance of case and subject: Proposed bombings could result in loss of life and disruption of essential government functions. Planned demonstrations will receive nationwide attention and participation. [redacted]

D [redacted]

11. Possibilities of obtaining desired information by other means. D
(Explain in detail): The hard core of PCPJ, [redacted] uses drugs extensively and is extremely paranoid concerning infiltration by law enforcement officials, which drastically limits the number of individuals privy to "inside information" and "heavy" activities planned for Spring, 1971, demonstrations. Although distrustful of strangers, they continue to use the telephone as a means of communication.

12. Risks of detection involved:

None

13. Probable length of technical surveillance:

Indefinite

14. Request made for technical surveillance by any outside agency (name specific official, title and agency):

None

15. Remarks:

16. Recommendation of Assistant Director:

ROUTE IN ENVELOPE

4/1/71

1 - Mr. Dix
1 - Mr. Pence

Airtel

To: SAC, WFO (100-52854)

From: Director, FBI (100-459771)

JUNE

DEMONSTRATIONS SPONSORED BY
PEOPLES COALITION FOR
PEACE AND JUSTICE (PCPJ)
WASHINGTON, D. C., MAY, 1971
IS - PROTEST GROUP

ReurFD-142 dated 3/19/71.

On 3/30/71 the Attorney General (AG) approved installation of telephone surveillances at PCPJ headquarters, 1029 Vermont Avenue, N.W., [redacted] Advise times, dates of installation and symbol numbers assigned.

Your attention is called to SAC Letter 69-31 (D) concerning the Omnibus Crime Control and Safe Streets Act of 1968. The AG approved these surveillances with the understanding they will not only furnish intelligence-type information, but also it is anticipated results from the surveillances will be introduced in evidence or leads to evidence in a court of law. Accordingly, certain additional information must be furnished him as noted on page five of this SAC Letter. It is further noted that requests of this type coverage should be for no longer than a period of 30 days subject to requests for extension.

MAILED 12
APR - 1 1971
FBI

You must submit a 30-day justification letter (FD-143) on each surveillance. To insure that the AG is in receipt of justification memoranda in sufficient time, you must submit FD-143s justifying these surveillances and including all pertinent data as noted in the SAC Letter to reach Bureau no later than 4/26/71.

Tolson
Sullivan
Mohr
Bishop
Brennan, C.D.
Callahan
Casper
Conrad
Dalbey
Felt
Gale
Rosen
Tavel
Walters
Soyars
Tele. Room
Holmes
Gandy

RLP:ebc
(5)

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 10-15-2010

APR 13 1971

MAIL ROOM TELETYPE UNIT

FOLDER IN ENVELOPE

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27

5016-104

UNITED STATES GOVERNMENT

Memorandum

TO : Mr. C. D. Brennan

FROM : Mr. A. W. Gray

SUBJECT: DEMONSTRATIONS SPONSORED BY PEOPLES COALITION FOR PEACE AND JUSTICE (PCPJ), WASHINGTON, D. C., MAY, 1971
INTERNAL SECURITY - PROTEST GROUP

DATE: 3/23/71

JUNE

1 - Mr. Sullivan
1 - Miss Holmes
1 - Mr. Soyars
1 - Mr. Dalbey (Route through for review)
1 - Mr. Rosen (Route through for review)
1 - Mr. Brennan
1 - Mr. Shackelford
1 - Mr. Gray
1 - Mr. Cotter
1 - Mr. Dix
1 - Mr. Pence

Tolson
Sullivan
Mohr
Bishop
Brennan, C. D.
Callahan
Casper
Conrad
Dalbey
Felt
Gale
Rosen
Tavel
Walters
Soyars
Tele. Room
Holmes
Gandy

Recommends installation of telephone surveillances (tesurs) at PCPJ headquarters, 1029 Vermont Avenue, N.W., Washington, D. C. (WDC);

[redacted]

Essentially two main groups are behind plans for massive antiwar demonstrations in WDC during April and May, 1971. The National Peace Action Coalition (NPAC), stepchild of the Socialist Workers Party, Young Socialist Alliance, and Student Mobilization Committee, is thoroughly Trotskyist controlled and continues planning for peaceful demonstrations. The PCPJ, Communist Party, USA, and New Left extremist infiltrate led by Rennie Davis, convicted Chicago Seven Conspiracy trial defendant, plans civil disobedience and is not opposed to violen

[redacted] live coverage of PCPJ [redacted] with its strict security, drug users, and absolute paranoia about police infiltration, has been practically impossible. [redacted]

In the interim, with each successive day our existing source coverage of PCPJ [redacted] develops pieces of information portending of potential bombings, civil disobedience, guerrilla tactics, disruption of essential Government functions, and even possible kidnaping of officials in the WDC area during Spring, 1971. It appears Davis intends to use thousands of demonstrator

Enclosure sent 3-30-71

100-459771

APR 8 1971

SEE ADDENDUM PAGE 3.

CONTINUED - OVER

Memorandum to Mr. C. D. Brennan
RE: DEMONSTRATIONS SPONSORED BY
PEOPLES COALITION FOR PEACE
AND JUSTICE (PCPJ), WASHINGTON,
D. C., MAY, 1971
100-459771

massed in WDC as cover for hit-and-run activities of well-trained terrorist cadres, possibly coordinating some actions with Weatherman. Davis has called for May, 1971, to be the "heaviest thing ever" and a "month of rage" as opposed to the Weatherman "days of rage" in 1969. Davis is also reported to be making efforts to obtain false passports for [redacted] perfecting escape routes following expected acts of violence in May.

It follows that potential for violence and destruction being posed by PCPJ and [redacted] dictates all possible coverage be effected to provide necessary advance intelligence to thwart their efforts. In this regard, Washington Field has requested tesur coverage of PCPJ headquarters, 1029 Vermont Avenue, N.W., WDC; [redacted]

D

OBSERVATIONS:

[redacted]

D

Attached is memorandum to Attorney General (AG) requesting his approval for these surveillances. He is being referred to his letter 5/6/69 concerning the Omnibus Crime Control and Safe Streets Act [illegible], wherein he advised that

CONTINUED - OVER

Memorandum to Mr. C. D. Brennan
RE: DEMONSTRATIONS SPONSORED BY
PEOPLES COALITION FOR PEACE
AND JUSTICE (PCPJ), WASHINGTON,
D. C., MAY, 1971
100-459771

if it is anticipated results from tesur will be introduced as evidence or leads to evidence will be obtained from tesur, we should request his authority under Presidential authorization furnishing him additional specific data and make our request for no more than 30 days. In view of the potential for violence on the part of individuals whose conversations will be intercepted and the possibility that they may be involved in violations of Federal criminal statutes, this information is included in our request to AG. At this time there are 35 tesurs in operation and one awaiting installation. This request will bring total to 40.

RECOMMENDATION:

That the attached memorandum to AG be approved and sent.

ADDENDUM OF W. B. SOYARS, JR. 3-30-71 WBS:crt

Attorney General approval being sought for [redacted] new telephone surveill
at locations in Washington, D. C., where planning is in process for the demonstrat
to be held here in late April and May, 1971. Potential exists for violence and all pc
sible coverage is needed so we can keep currently apprised of the plans of the vari
groups involved.

[redacted]

Recommend approval and that the attached letter be sent to the Attorne
General.

ROUTE IN ENVELOPE

SECRET

JUNE

1 - Mr. Sullivan
1 - Miss Holmes
1 - Mr. Soyars
1 - Mr. Dalbey (Route thro
for review)

March 30, 1971

1 - Mr. Rosen (Route throu
for review)
1 - Mr. Brennan
1 - Mr. Shackel
1 - Mr. Gray
1 - Mr. Cotter
1 - Mr. Dix
1 - Mr. Pence

APPROPRIATE AGENCIES AND FIELD OFFICES ADVISED BY ROUTING SLIP(S) OF 3/30/71

DATE 8/10/97

MEMORANDUM FOR THE ATTORNEY GENERAL

RE: DEMONSTRATIONS SPONSORED BY PEOPLES COALITION FOR PEACE AND JUSTICE (PCPJ), WASHINGTON, D. C., MAY, 1971
INTERNAL SECURITY

Reference is made to your letter May 6, 1969, concerning the Omnibus Crime Control and Safe Streets Act of 1968.

The National Coalition Against War, Racism, and Repression (NCAWRR) evolved out of the Strategy Action Conferences (SAC) which took place during June and September, 1970, at the University of Wisconsin, Milwaukee, Wisconsin. The SAC brought together organizations previously active in the New Mobilization Committee to End the War in Vietnam (NMC), which had been the guiding force in the massive anti-war demonstrations which took place in Washington, D.C., during November, 1969, and May, 1970. The NCAWRR, at a "Continuations Committee" meeting which took place at Detroit, Michigan, during January, 1971, changed its name to the "Peoples Coalition for Peace and Justice." This organization has interjected issues such as poverty, racism, repression, and women's rights into the antiwar movement on the premise that the war in Vietnam has a definite effect upon these problems.

EX-111 [illegible]

The PCPJ, infiltrated by members of the Communist Party, USA, and New Left extremists, is led by Leonard Gordon Davis, also known as Rennie Davis, convicted Chicago Seven Conspiracy trial defendant. During April and May, 1971, in Washington, D.C., PCPJ is planning massive antiwar demonstrations which currently call for civil disobedience, including blocking of major arteries into Washington.

SENT FROM D. O.
TIME 3:30 PM
DATE 3-30-71
BY [illegible]

Tolson
Sullivan
Mohr
Bishop
Brennan, C.D.
Callahan
Casper
Conrad
Dalbey
Felt
Gale
Rosen
Tavel
Walters
Soyars
Tele. Room
Holmes
Candy

RLP:sal
(15)

MAIL ROOM ☐ TELETYPE UNIT ☐

Excluded from automatic downgrading and declassification

15 APR 8 1971

SEE NOTE PAGE FIVE

SECRET

Memorandum for the Attorney General

shaping up as a focal point for planning of violent demonstration activities. Informant coverage of PCPJ, which is made up of drug users who appear to suffer a paranoiac fear of police infiltration, has been practically impossible.

The existing live informant coverage of PCPJ continues to develop fragments of information indicating potential bombings, civil disobedience, guerrilla tactics, disruption of essential Government functions, and even the possibility of kidnapings of Government officials during the Spring of 1971. It appears that Davis intends to use the thousands of demonstrators who will be massed in Washington as a cover for hit-and-run tactics by well-trained cadres throughout Washington, possibly with coordinated or uncoordinat assistance from Weatherman. Davis has called for May, 1971, to be the "heaviest thing ever" and a "month of rage" as opposed to the so-called "days of rage" in 1969.

The key locations involved in the plotting and planning for the PCPJ actions include PCPJ headquarters, 1029 Vermont Avenue, NW, Washington, D.C.;

Consequently, it is probable that conversations of these suspects, as well as those involving Rennie Davis, would be intercepted by telephone surveillances of these locations. It is possible that any individual whose conversation is intercepted at these locations may become the subject of either local or Federal criminal violations.

It is felt that telephone surveillances of the above-described locations will provide vital information regarding possible violence and destruction in Washington, D.C., during Spring, 1971. It is also anticipated that

SECRET

results of these telephone surveillances will be introduced as evidence in court or that leads to evidence may be obtained; therefore, this request is being made not only for the purpose of obtaining intelligence-type information but also on the basis that evidence will be obtained that will be used in court. In line with instructions on page five of your referenced letter, the following information is set forth:

1. It is believed that [redacted] and other individuals having access to these locations may become involved in violations of the Antiriot Law statute, the Destruction of Government Property statute and the Sabotage statute.

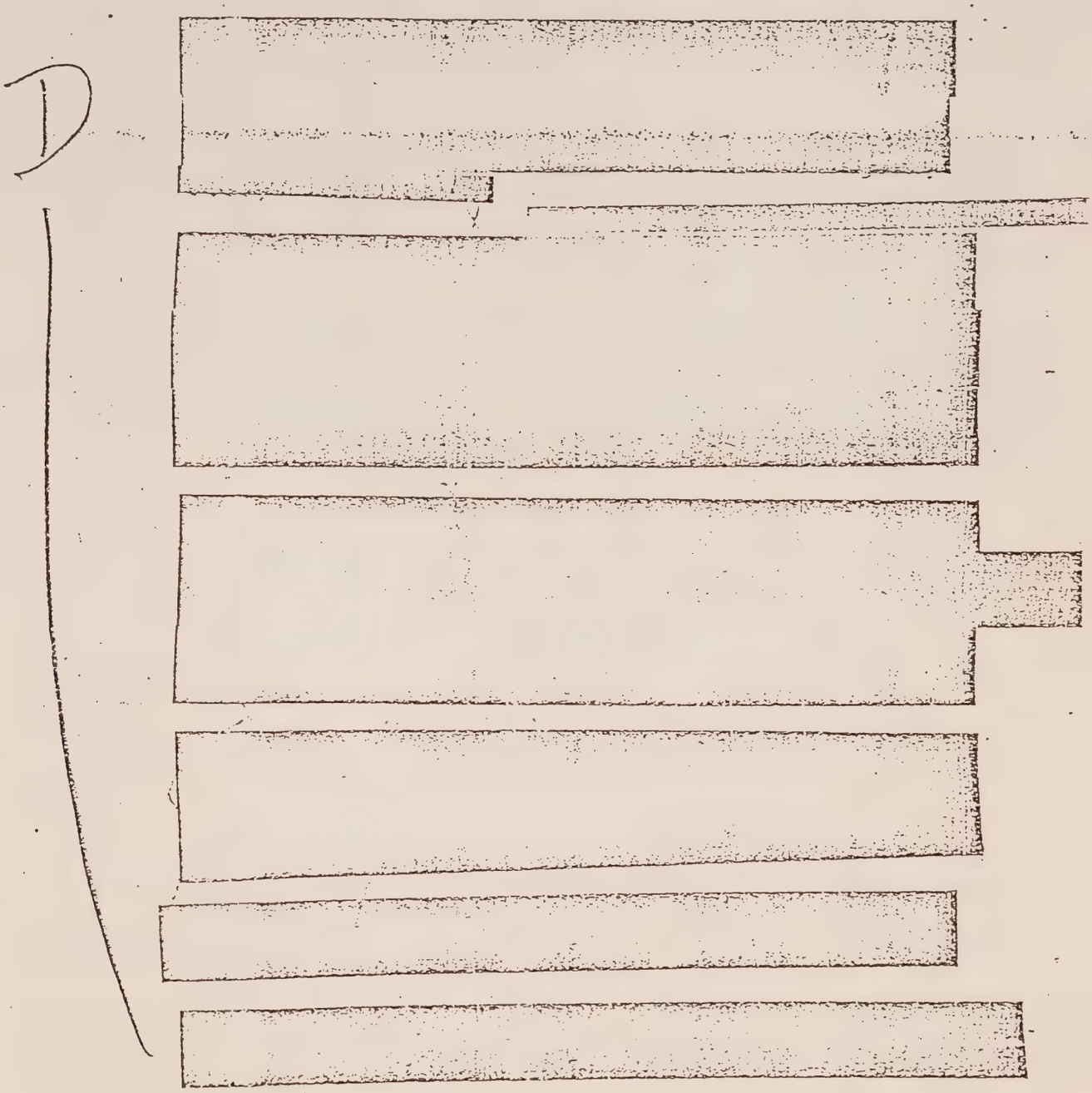
2. At the present time, we are conducting intelligence investigations of [redacted] and other principal activists of the PCPJ [redacted] We have extremely limited live informant coverage of these individuals for the reasons previously described.

3. The following individuals will undoubtedly utilize telephones at the [redacted] locations in question:

[redacted]

SECRET

Memorandum for the Attorney General



SECRET

Memorandum for the Attorney General

It is anticipated that other individuals who are extremely active in the New Left movement will also use these telephones. The identities of other individuals who may be in contact with the principal activists listed above are unknown at this time.

4. It can be expected that these telephone surveillances will furnish this Bureau plans of the PCPJ and [redacted] regarding possible violence and destruction in Washington, D.C., during April and May, 1971, including details of criminal acts planned or already committed in violation of Federal statutes as noted above.

I, therefore, recommend the installation of telephone surveillances at 1029 Vermont Avenue, NW, Washington, D.C.; [redacted] for a period of thirty days. If approved, you will be advised when this installation has been made.

Respectfully,

John Edgar Hoover
Director

APPROVED _____

DATE _____

NOTE:

See memorandum A.W. Gray to Mr. C.D. Brennan, captioned as above, prepared by RLP:sfw, dated 3/29/71.

Classified "~~Secret~~" since this concerns telephone surveillances, unauthorized disclosure of which could result in serious damage to internal security of U.S.

This memorandum recommends the installation of telephone surveillances in accordance with current policy which requires approval by the Attorney General for installation and continuation of all such surveillances.

FILED IN ENVELOPE

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27

UNITED STATES GOVERNMENT

Memorandum

Tolson
Sullivan
Mohr
Bishop
Brennan, C.D.
Callahan
Casper
Conrad
Dalbey
Felt
Gale
Rosen
Tavel
Walters
Soyars
Tele. Room
Holmes
Gandy

TO : Mr. A. W. Gray

DATE: 4/1/71

JUNE

FROM : R. L. Pence

SUBJECT: DEMONSTRATIONS SPONSORED BY PEOPLES COALITION FOR PEACE AND JUSTICE (PCPJ) WASHINGTON, D. C., MAY, 1971 INTERNAL SECURITY - PROTEST GROUP

Enclosed is original of memorandum for the Attorney General dated March 30, 1971, authorizing installation of telephone surveillances at 1029 Vermont Avenue, N.W., Washington, D.C.: [redacted] The Attorney General's authority was dated March 30, 1971.

RECOMMENDATION:

That enclosure be filed for possible evidentiary purposes.

1 - Mr. A.W. Gray
1 - Mr. R.L. Pence
Enclosure
~~100-459771~~ 100-463195

RLP:sal
(3)

1 Xerox of Encl. to Kevin Maroney, Internal Security Division - Dept. 6-14-71 on his request Auth. by J.G. Sizoo

REC-5 100-463195-66

15 APR 8 1971

EX-112

1 ENCLOSURE 1971

APR 15 1971

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE ____ BY ____

5. AWG/sa
SPEC. [illegible]

OFFICE OF THE DIRECTOR

~~SECRET~~

UNITED STATES DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION

WASHINGTON, D.C. 20535

March 30, 1971

MEMORANDUM FOR THE ATTORNEY GENERAL

RE: DEMONSTRATIONS SPONSORED BY PEOPLES COALITION FOR PEACE AND JUSTICE (PCPJ), WASHINGTON, D. C., MAY, 1971
INTERNAL SECURITY

(S) (U)

Reference is made to your letter May 6, 1969, concerning the Omnibus Crime Control and Safe Streets Act of 1968. (S) (U)

The National Coalition Against War, Racism, and Repression (NCAWRR) evolved out of the Strategy Action Conferences (SAC) which took place during June and September, 1970, at the University of Wisconsin, Milwaukee, Wisconsin. The SAC brought together organizations previously active in the New Mobilization Committee to End the War in Vietnam (NMC), which had been the guiding force in the massive anti-war demonstrations which took place in Washington, D.C., during November, 1969, and May, 1970. The NCAWRR, at a "Continuations Committee" meeting which took place at Detroit, Michigan, during January, 1971, changed its name to the "Peoples Coalition for Peace and Justice." This organization has interjected issues such as poverty, racism, repression, and women's rights into the antiwar movement on the premise that the war in Vietnam has a definite effect upon these problems. (U) (S)

The PCPJ, infiltrated by members of the Communist Party, USA, and New Left extremists, is led by Rennard Cordon Davis, also known as Rennie Davis, convicted Chicago Seven Conspiracy trial defendant. During April and May, 1971, in Washington, D.C., PCPJ is planning massive antiwar demonstrations which currently call for civil disobedience, including blocking of major arteries into Washington.

[redacted]

D

~~SECRET~~

Group 1
Excluded from automatic downgrading and declassification

CLASS. & EXT. BY [illegible]
REASON-FCIM II, 1-2.4.2 2, M
DATE OF REVIEW [illegible]

DECLASSIFIED ON 3/24/77
BY 6076 WDP/ph

Memorandum for the Attorney General

shaping up as a focal point for planning of violent demonstration activities. Informant coverage of PCPJ, [redacted] which is made up of drug users who appear to suffer a paranoiac fear of police infiltration, has been practically impossible. (S)(TU)

D

The existing live informant coverage of PCPJ [redacted] continues to develop fragments of information indicating potential bombings, civil disobedience, guerrilla tactics, disruption of essential Government functions, and even the possibility of kidnapings of Government officials during the Spring of 1971. It appears that Davis intends to use the thousands of demonstrators who will be massed in Washington as a cover for hit-and-run tactics by well-trained cadres throughout Washington, possibly with coordinated or uncoordinated assistance from Weatherman. Davis has called for May, 1971, to be the "heaviest thing ever" and a "month of rage" as opposed to the so-called "days of rage" in 1969. (S)(TU)

D

The [redacted] key locations involved in the plotting and planning for the PCPJ actions include PCPJ headquarters, 1029 Vermont Avenue, NW, Washington, D.C.; [redacted]

D

Consequently, it is probable that conversations of these suspects, as well as those involving Rennie Davis, would be intercepted by telephone surveillances of these locations. It is possible that any individual whose conversation is intercepted at these locations may become the subject of either local or Federal criminal violations. (S)(TU)

It is felt that telephone surveillances of the above-described locations will provide vital information regarding possible violence and destruction in Washington, D.C., during Spring, 1971. It is also anticipated that

Memorandum for the Attorney General

results of these telephone surveillances will be introduced as evidence in court or that leads to evidence may be obtained; therefore, this request is being made not only for the purpose of obtaining intelligence-type information but also on the basis that evidence will be obtained that will be used in court. In line with instructions on page five of your referenced letter, the following information is set forth:

1. It is believed that [redacted] and other individuals having access to these locations may become involved in violations of the Antiriot Law statute, the Destruction of Government Property statute and the Sabotage statute.

2. At the present time, we are conducting intelligence investigations [redacted] and other principal activists of the PCPJ [redacted] We have extremely limited live informant coverage of these individuals for the reasons previously described.

3. The following individuals will undoubtedly utilize telephones at the [redacted] locations in question:

[redacted]

Memorandum for the Attorney General

D

[redacted]

SECRET

Memorandum for the Attorney General (U)

It is anticipated that other individuals who are extremely active in the New Left movement will also use these telephones. The identities of other individuals who may be in contact with the principal activists listed above are unknown at this time. (U)

4. It can be expected that these telephone surveillances will furnish this Bureau plans of the PCPJ and [redacted] regarding possible violence and destruction in Washington, D.C., during April and May, 1971, including details of criminal acts planned or already committed in violation of Federal statutes as noted above. (U)

I, therefore, recommend the installation of telephone surveillances at 1029 Vermont Avenue, NW, Washington, D.C.; [redacted] for a period of thirty days. If approved, you will be advised when this installation has been made. (U)

Respectfully,

J. Edgar Hoover

John Edgar Hoover
Director

APPROVED Kurt M. Tuleen

DATE 3/30/71 (U)

SECRET

FD-36 (Rev. 5-22-64)

FBI

Date: 4/5/71

Transmit the following in _____ (Type in plaintext or code)

Via AIRTEL _____ (Priority)

TO: DIRECTOR, FBI (~~100-459771~~ 100-463195) JUNE

FROM: SAC, WFO (100-52854 Sub II)

DEMONSTRATIONS SPONSORED BY PEOPLE'S COALITION FOR PEACE AND JUSTICE AT WASHINGTON, D.C.
MAY, 1971 - VIDEM
IS-MISC

ReBuairtel, 4/1/71.

Technical surveillance coverage has been instituted on the following establishments as of 4:00 p.m., 4/1/71. Symbol numbers assigned are indicated for each establishment.

People's Coalition for Peace and Justice, 1029 Vermont Avenue, N.W., Washington, D.C. (WDC).

Telephones 737-8600
737-8601
737-8602
737-8603
737-8604
737-8610
628-5893

X GONE INT.

Symbol WF 2264-S* assigned.

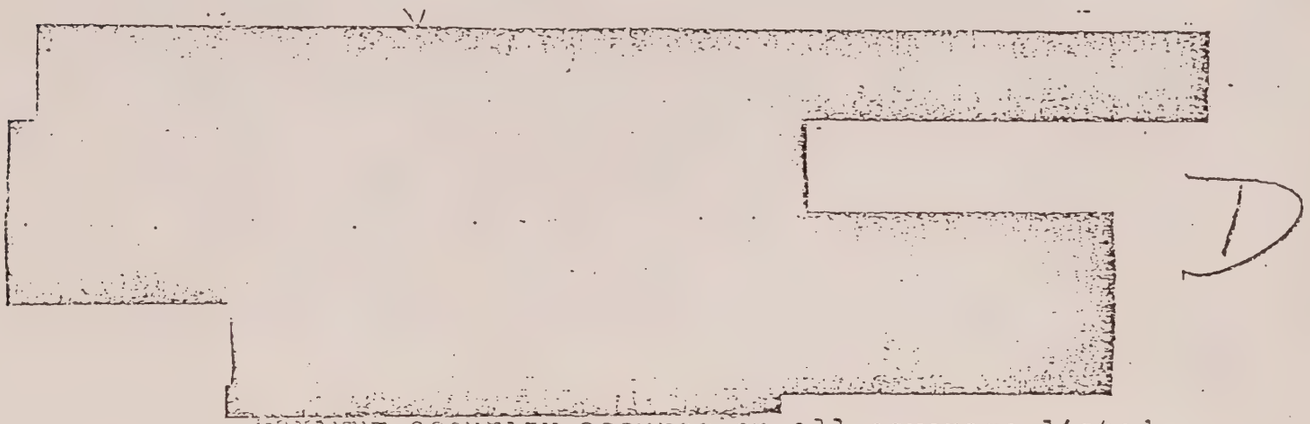
100-463195-109

APR 13 1971

(5) Bureau
4- WFO

EHB:kvn
(9)

Approved: _____ Sent _____ M Per _____
Special Agent in Charge



Maximum security assured on all coverage listed above.

ROUTE IN ENVELOPE

1 - Mr. W.C. Sullivan
1 - Mr. W.B. Soyars
1 - Mr. C.D. Brennan
1 - Mr. A.W. Gray

JUNE

April 7, 1971

REC-57
100-463195-109

1 - Mr. W.P. Dix
1 - Mr. R.L. Pence

MEMORANDUM FOR THE ATTORNEY GENERAL

RE: DEMONSTRATIONS SPONSORED BY
PEOPLES COALITION FOR PEACE
AND JUSTICE (PCPJ), WASHINGTON,
D. C., MAY, 1971
INTERNAL SECURITY

This is to advise that the telephone surveillances at 1029 Vermont Avenue, N.W., Washington, D. C.: [redacted] which you authorized on March 30, 1971, were installed on April 1, 1971.

APPROPRIATE AGENCIES
AND FIELD OFFICES
ADVISED BY ROUTING
SLIP(S) OF 2040
DATE 4/20/71

100-463195

Respectfully,

John Edgar Hoover
Director

SENT FROM D. O.
TIME 2:15
DATE 4-7-71
BY

RLP:sal (9)

NOTE: This memorandum advises the Attorney General of installation of telephone surveillance coverage authorized by hi
Classified ~~Secret~~ since it refers to telephone surveillances disclosure of which could seriously endanger internal security of U.S.

Tolson
Sullivan
Mohr
Bishop
Brennan, C.D.
Casper
Callahan
Conrad
Felt
Gale
Rosen
Sullivan
Tavel
Soyars
Walters
Tele. Room
Holmes
Gandy

SECRET
Group 1
Excluded from automatic
downgrading and
declassification

APR 15 1971

APR 23 1971

MAIL ROOM ☐ TELETYPE UNIT ☐

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 12-22-80 BY SP2 [illegible]

FD-143 (Rev. 4-2-63)
OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27

5010-104

UNITED STATES GOVERNMENT

Memorandum

TO : DIRECTOR, FBI (Bufile ~~100-459771~~ 100-463195) DATE: JUNE 4/22/71

FROM : SAC, WFO (100-51888)

SUBJECT: JUSTIFICATION FOR CONTINUATION OF TECHNICAL OR MICROPHONE SURVEILLANCE

RE: Title PEOPLES COALITION FOR PEACE AND JUSTICE (PCPJ)

Character of Case IS - MISC.
Field ~~Office File~~ WF 2264-S*
Symbol Number
Type of Surveillance: (Technical & Microphone)

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 12/22/81 BY SP2 [illegible]

1. Name of person or organization on whom surveillance placed:

PEOPLES COALITION FOR PEACE AND JUSTICE

2. Address where installation made. Also give exact room number or area covered: 1029 Vermont Avenue, N. W., Washington, D. C., 9th Floor

3. Location of monitoring plant:

WFO

4. Dates of initial authorization and installation:

April 1, 1971

5. Previous and other installations on the same subject (with dates and places):
None

EX-103 REC-32

6. If installation is a technical surveillance, answer following questions:

a. Is a trunk line utilized? No

b. Is the surveillance on a switchboard? No

c. Is the surveillance on a public coin-operated telephone? No

100-463195-1154X7
4 MAY 20 1971

(1)-Bureau
1-WFO
JFW:mab

Registered Mail

JUL 8 1971

MAY-21-1971

d. Is surveillance on a private line or a party line? Private

e. If a party line, how many parties? NA

7. If a microphone surveillance involved, state number of microphones actually used and location of each: NA

8. Is the installation part of a tel-mike? If so, give symbol of other side of the combination: No

9. Specific examples of valuable information obtained since previous report with indication of specific value of each item and the date information received. State what use was made of each item involved: (Add insert pages)
See page 2a

10. Could above information have been obtained from other sources and by other means? No

11. Number of live informants (in field division) who cover same subject: [redacted]
B

12. Has security factor changed since installation? No

13. Any request for the surveillance by outside agency (give name, title and agency): None

14. Cost of Plant Premises:

a. Rental costs for plant premises: None
D

b. Give total number of other surveillances monitored at same plant [redacted]

Information is received on a nationwide, daily basis concerning numbers of participants, transportation, arrangements and logistics for demonstrations at Washington, D. C.(WDC), planned by [redacted] and PCPJ on 5/1/71. In this connection daily movement of key activists [redacted] have been determined. On a continuing daily basis information has been received on specific targets of civil disobedience in the WDC area, including streets and highways bridges, and government buildings, and the identities of the groups responsible for "covering" them commencing 5/3/71. [redacted] Also on 4/16/71, a schism developed between NPAC and PCPJ over the use of violence, to which NPAC is opposed, and distribution of funds collected. [redacted] All information received was disseminated to interested Bureau field offices, U.S. Government agencies, and Metropolitan Police Department, WDC. This advance information has enabled WFO to target informants more profitably, to plan more efficient demonstration coverage, and assisted Metropolitan Police Department in the performance of its responsibilities.

c. If any others, set out the proportionate cost of instant surveillance: None

15. Cost of Leased Line for instant installation? None

16. Personnel Costs:

a. Give total number of special employees and/or Special Agents working at plant and total salary costs.

13 Agents at average of $18,000 per annum-total $234,000 per annum

b. Total number of man hours per week spent at plant?

504 man hours per week

c. If other installations monitored at same plant, list proportionate number of man hours per week spent on instant surveillance:

454 man hours per week

d. If other installations monitored at same plant, list proportionate salary expense per annum for instant surveillance:

$210,600 per annum

17. Remarks (By SAC):

The information supplied by this source materially assists the FBI in preparing for the malice demonstrations in the Nation's Capital and it is believed that in order to adequately fulfill our responsibilities, the services of the source should be continued.

18. Recommendation by Assistant Director:

(If this surveillance involves cryptanalysis, include statement that decrypted material is or is not sufficiently important to continue decrypting.)

ROUTE IN ENVELOPE

1 - Mr. W.P. Dix
1 - Mr. R.L. Pence
5/3/71

Airtel

To: SAC, WFO (100-52854)

From: Director, FBI (100-~~459771~~ 463195) JUNE

DEMONSTRATIONS SPONSORED BY
PEOPLES COALITION FOR
PEACE AND JUSTICE (PCPJ)
WASHINGTON, D.C., MAY, 1971
IS - PCPJ

ReurFD-143s dated 4/22/71, 4/23/71 (2), and 4/27/71.

On 4/29/71 the Attorney General (AG) approved continuation of [redacted] WF 2264-S*, [redacted]

Your attention is again called to SAC Letter 69-31 (D) concerning the Omnibus Crime Control and Safe Streets Act of 1968. AG has again approved these surveillances with the understanding they will not only furnish intelligence-type information, but also might produce information which will be introduced in evidence or provide leads to evidence in a court of law. It is noted requests of this type coverage are to be for no longer period than 30 days subject to requests for extension.

You must submit 30-day justification letter (FD-143) on each surveillance. To insure that AG is in receipt of justification memorandum in sufficient time, you are instructed to submit FD-143s to reach Bureau no later than 5/24/71.

EX-115
REC-39 100-463195-407

Tolson
Sullivan
Mohr
Bishop
Brennan, C.D.
Callahan
Casper
Conrad
Dalbey
Felt
Gale
Rosen
Tavel
Walters
Soyars
Tele. Room
Holmes

RLP:jgr
(5)

MAILED 22
MAY 12 1971

100-463195-1154X24
MAY 6 1971

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 9-24-80 BY SP3 BAW SP/MJ

ROUTE IN ENVELOPE

UNITED STATES GOVERNMENT

Memorandum

Tolson
Sullivan
Mohr
Bishop
Brennan, C.D.
Callahan
Casper
Conrad
Dalbey
Felt
Gale
Rosen
Tavel
Walters
Soyars
Tele. Room
Holmes
Gandy

TO : Mr. A. W. Gray

DATE: 5/5/71

JUNE

FROM : R. L. Pence

SUBJECT: DEMONSTRATIONS SPONSORED BY PEOPLES COALITION FOR PEACE AND JUSTICE (PCPJ), WASHINGTON, D.C., MAY, 1971
INTERNAL SECURITY - PCPJ

Enclosed is original of memorandum for the Attorney General dated April 29, 1971, authorizing continuation of telephone surveillances at 1029 Vermont Avenue, N.W., Washington, D.C.; [redacted] for a period of 30 days.

RECOMMENDATION:

That enclosure be filed for possible evidentiary purposes.

1 - Mr. A.W. Gray
1 - Mr. R.L. Pence
Enclosure ENCLOSURE
100-~~459771~~ 463195-

RLP:sal
(3)

REC-46 4 14

100-463195-1154X26
MAY 11 1971

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 2-4-91 BY [illegible]

6 MAY 14 1971

JUN 8 1971

OFFICE OF THE DIRECTOR

SECRET

UNITED STATES DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION

WASHINGTON, D.C. 20535

April 29, 1971

MEMORANDUM FOR THE ATTORNEY GENERAL

RE: DEMONSTRATIONS SPONSORED BY PEOPLES COALITION FOR PEACE AND JUSTICE (PCPJ), WASHINGTON, D.C., MAY, 1971
INTERNAL SECURITY

(C) (U)

Reference is made to memorandum of this Bureau dated March 30, 1971, concerning captioned demonstrations. (U)

By approval of that memorandum on March 30, 1971, you authorized the installation of telephone surveillances at 1029 Vermont Avenue, N.W., Washington, D.C.; [redacted] for a period of 30 days. (C) (U)

D

You were previously advised that the PCPJ, infiltrated by members of the Communist Party, USA, and New Left extremists, is led by Rennard Cordon Davis, also known as Rennie Davis, convicted Chicago Conspiracy trial defendant. During April and May, 1971, in Washington, D.C., PCPJ is planning massive antiwar demonstrations which currently call for civil disobedience, including blocking of major arteries into Washington, D.C. [redacted] is the local point for planning of violen[redacted] activities. Informant coverage of PCPJ, [redacted] which is made up of drug users who appear to suffer a paranoiac fear of police infiltration, has been practically impossible. You were also advised that the addresses mentioned above, for which you authorized telephone surveillances, represent the [redacted] key locations involved in the planning and plotting for PCPJ actions. (C) (U)

D

DECLASSIFIED ON 3/29/79
BY [illegible]

SECRET

Group 1
Excluded from automatic downgrading and declassifi[illegible]

CLASS. & EXT. BY [illegible]
REASON-FCIM II, 1-2.4.2 [illegible]
DATE OF REVIEW [illegible]

[illegible] (C) (U)

SECRET

Memorandum for the Attorney General (U)

Since the installation of these surveillances, information has been developed, on a daily basis, regarding plans, movements and activities of individuals responsible for the massive demonstration in Washington, D.C., on April 24, 1971, and who plan violence and civil disobedience during May, 1971. For example, information was developed that a group planned to break away from the massive demonstration in Washington, D.C., on April 24, 1971, and attempt to take over the South Vietnamese Embassy by way of Dupont Circle. This information enabled the Metropolitan Police Department to effectively block Dupont Circle well in advance of the approaching demonstrators and thwart this plan. In addition, this coverage developed information regarding a schism which developed between the National Peace Action Coalition (NPAC) and the PCPJ, which cosponsored the demonstration on April 24, 1971, due to NPAC fears that PCPJ was planning violence. These surveillances also enabled this Bureau to follow closely the activities of many of the major suspects in the bombing of the U. S. Capitol on March 1, 1971, and other New Left extremists who might actively engage in violence and terrorism during May, 1971. (S) (U)

The period which offers the greatest potential for violence and civil disobedience in Washington, D.C., continues to be the first week in May, 1971. It is expected that these telephone surveillances will continue to furnish this Bureau detailed advance plans of PCPJ [redacted] to engage in such violence and civil disobedience. There is also the continued possibility that information will be developed regarding plans of these groups and individuals to violate the Antiriot Law statute, the Destruction of Government Property statute and the Sabotage statute. (S) (U)

Your authority is requested to continue the telephone surveillances at 1029 Vermont Avenue, N.W., Washington, D.C.; [redacted] for a period of 30 days, effective April 30, 1971. (S) (U)

Respectfully,

J. Edgar Hoover

APPROVED John N. Mitchell (S) (U)

DATE 4/28

ROUTE IN ENVELOPE

SECRET

1 - Mr. Sullivan
1 - Mr. Soyars
1 - Mr. Rosen

JUNE

REC-3 100-463195-1154X29

May 17, 1971

1 - Mr. Shackelford
1 - Mr. Brennan
1 - Mr. Gray

1 - Mr. Cotter
1 - Mr. Dix
1 - Mr. Penc

MEMORANDUM FOR THE ATTORNEY GENERAL

RE: DEMONSTRATIONS SPONSORED BY PEOPLES COALITION FOR PEACE AND JUSTICE (PCPJ), WASHINGTON, D.C., MAY, 1971
INTERNAL SECURITY

Reference is made to memorandum of this Bureau dated April 29, 1971, in which you approved the continuation of telephone surveillances at 1029 Vermont Avenue, N.W., Washington, D.C.; [redacted] for a period of 30 days effective April 30, 1971.

This is to advise that these telephone surveillances were discontinued on May 13, 1971.

Respectfully,

John Edgar Hoover
Director

ALL INFORMATION CONTAI
HEREIN IS UNCLASSIFIED
DATE 2/24/81 BY [illegible]

463195-
100-459741

RLP:sal (12)

NOTE: Attorney General originally authorized installation o telephone surveillances (tesurs) on 3/30/71 for period of 30 da covering headquarters of PCPJ and other major locations where plotting for civil disobedience and violence was to occur. Att General granted authority to continue this coverage for additio

Tolson
Sullivan
Mohr
Bishop
Brennan, C.D.
Callahan
Casper
Conrad
Dalbey
Trotter

COMM-FBI D. C.
5:20 P.M.
DATE 5-17-71
BY

SECRET
Classified
Excluded from automatic downgrading and declassification

NOTE CONTINUED PAGE

JUN 8 1971

MAIL ROOM TELETYPE UNIT

SECRET

Memorandum for the Attorney General

NOTE CONTINUED:

30 days effective 4/30/71. Demonstrations have run their course and coverage has been terminated.

Classified "Secret" as it refers to highly confidential investigative technique, disclosure of which could seriously endanger national defense.

/

SECRET

FD-36 (Rev. 5-22-64)

FBI

Date: 5/13/71

Transmit the following in _____
(Type in plaintext or code)

Via AIRTEL AIR MAIL
(Priority)

Mr. Tolson
Mr. Sullivan
Mr. Bishop
Mr. Casper
Mr. Callahan
Mr. Conrad
Mr. Felt
Mr. Gale
Mr. Rosen
Mr. Tavel
Mr. Walters
Mr. Soyars
Tele. Room
Miss Holmes
Miss Gandy

TO: DIRECTOR, FBI (100-459791)

FROM: SAC, WFO (100-51888, Sub 2)

SUBJECT: DEMONSTRATIONS SPONSORED BY
PEOPLES COALITION FOR PEACE
AND JUSTICE (PCPJ)
WASHINGTON, D.C., MAY, 1971
IS - PCPJ

Services of [redacted] WF 2204-S [redacted] discontinued as of 5:00 p.m., May 13, 1971.

(2) - Bureau
4 - WFO (100-51888, Sub 2)
[redacted]

CJJ:cmp
(6)

100-463195-1154X29
MAY 25 1971

JUNE

EXHIBITS

EXHIBIT	DESCRIPTION
1	LHM dated January 21, 1969 to Director, FBI from SAC, New York re: COINTELPRO - NEW LEFT
2	Copy of LHM dated January 24, 1969 to SAC, New York from Director, FBI re: COINTELPRO - NEW LEFT
3	LHM dated March 14, 1969 to Director, FBI from SAC, New York re: SOCIALIST WORKERS PARTY, IS - SWP, DISRUPTION PROGRAM
4	Copy of LHM dated October 16, 1968 to SAC, WFO (100-44757) from Director FBI (100-449698) re: COINTELPRO - NEW LEFT
5	Copy of LHM dated April 27, 1971 to Mr. W.C. Sullivan from Mr. C.D. Brennan re: Counterintelligence Programs (COINTELPROS)1 - Internal Security - Racial Matters
6	LHM dated September 7, 1967 to Director, FBI (100-3-104-53) from SAC, WFO (100-421-FF) re: Communist Party, USA & Special Operations Counterintelligence Program
7	Airtel dated November 7, 1968 to Director, FBI (105-174254) from SAC, WFO (100-48466) (P) re: Counter-intelligence and Special Operations (Nationalities Intelligence)
8	Airtel dated November 18, 19 to Director, FBI from SAC, WFO re: Women Strike for Peace Delegation to Soviet Union, 11/11/68 - 12/2/ Information Concerning
9	Airtel dated to Director, FBI from SAC, WFO re: Women Strike for Peace Delegation to Soviet Union, 11/11/69 - 12/2/68 Information Concerning
10	Airtel dated February 10, 1969 to Director, FBI from SAC, WFO re: Women Strike for Peace Delegation to Soviet Union, 11/11 - 12/2/68 Info concerning - IS
11	Airtel dated March 20, 19 to Director, FBI from SAC, WFO re: Women Strike for Peace Delegation to Soviet Union, 11/11 - 12/2/68 Information Concerning - IS
12	Airtel dated April 11, 1969 to Director, FBI (62-107350) from SAC, WFO (100-39566) (P) re: Women Strike for Peace (WSP) IS - C
13	Airtel dated May 9, 1969 to Director, FBI (62-107350) from SAC, WFO (100-39566) re: Women Strike for Peace (WSP) IS-C
14	Documents produced by Mostrom concerning electronic overhears of plaintiffs
15	Airtel dated July 17, 1970 to Director, FBI from SAC, WFO re: COINTELPRO - New Left
16	LHM dated December 15, 1970 to Director, FBI from SAC, WFO re: COINTELPRO - New Left
17	Informant Report dated May 4, 1972 to John L. Stanley

18	File Report concerning Waskow
19	LHM dated February 14, 1973 to SAC, WFO from William T. Tucker re: Richard Pollack
20	LHM dated December 3, 1969 to SAC, WFO from Hilmer H. Krebs re: Emergency Committee on the Transportation Crisis
21	LHM dated January 14, 1970 to SAC, WFO from SA Hilmer H. Krebs re: Emercency Committee on the Transportation Crisis
22	LHM dated October 31, 1969 to SAC, WFO from SA Stephen B. King re: Justine Clapp Lower
23	Teletype dated October 21, 1969 to Director, FBI and SACS Chicago and New York from SAC, WFO
24	Report, MPD Internal Investigation of Intelligence Division Activities, 1975
25	Report, MPD Internal Investigation of Intelligence Division Activities, 1975
26	LHM dated January 17, 1973 to Director, FBI from SAC, WFO re: Samuel Abdollah Abbott, aka
27	Informant Report dated December 3, 1965 to Washington Field from Joseph E. Keller
28	Copy of LHM dated August 2, 1972 to Acting Director FBI from SAC, WFO re: Richard Phillip Pollock
29	LHM dated January 30, 1969 to Director, FBI from SAC, WFO re: Arthur Irwin Waskow aka Arthur Irvin Waskow
30	Report to the President by the Commission on CIA Activities within the United States dated June 1975

EXHIBIT 1

UNITED STATES GOVERNMENT

Memorandum

H.D. Vol 4 - 410
5415

TO : DIRECTOR, FBI

DATE: 1/21/69

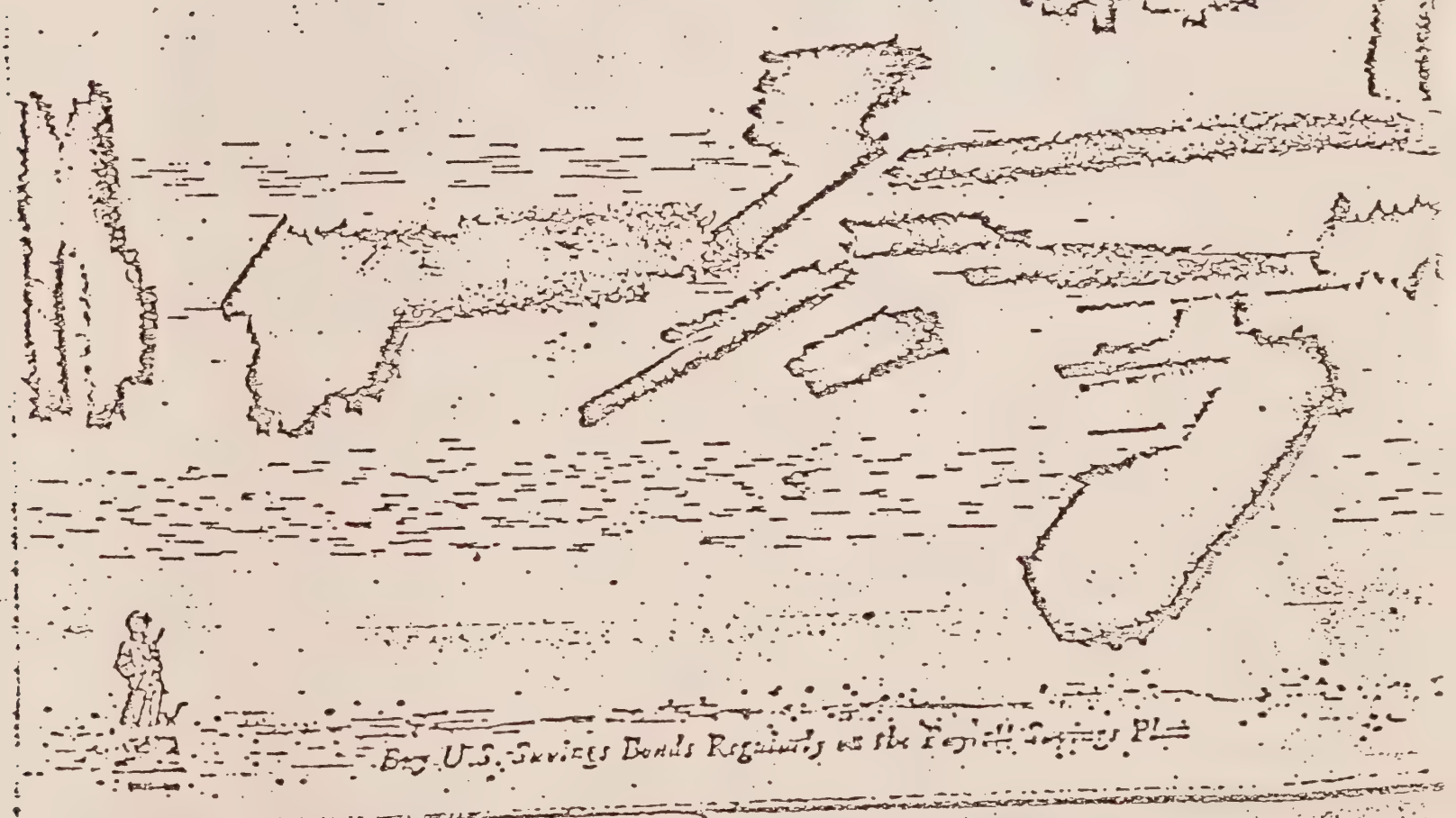
FROM : SAC, NEW YORK

SUBJECT: COINTELPRO - NEW LEFT

Enclosed herewith are two copies of a suggested "news-letter", designed to ridicule the inaugural activities of the National Mobilization Committee and the work of its Chairman, DAVE DELLINGER.

Enclosed was written in the jargon of the New Left, necessitating the use of a certain amount of profanity.

Bureau authority is requested to prepare and mail (anonymously) above mentioned "news-letter" to selected individuals and/or organizations active in the New Left movement.



189

FLASH FLASH FLASH FLASH FLASH FLASH

DESPERATE DAVE DANGLES DINGUS

Murderously Mangles MOBE

Washington, D. C. Jan. 20 - Speaking in his usual high pitched voice, Dave Dellinger, National Chairman of the National Mobilization Committee (MOBE), today claimed that the anti-inaugural demonstrations called by his organization had been responsible in getting the Paris peace talks going again.

Dellinger made this startling disclosure before an audience of newsmen in the dingy Hawthorne School which housed many of his followers. A cluster of the latter stood behind their Guru sniffling and fingering wilted flowers. Dellinger, looking pale - more fairy-like than ever - tried to control the squeaks in his voice to no avail. "How many demonstrators did MOBE bring to the inaugural?", he was asked.

"At least 10,000," he answered.

"Bullshit", was heard in several sections of the room.

Dellinger shuffled his notes. "Let's make that 5,000."

"Bullshit".

"Would you believe 3,000?" Silence. Dave rolled his eyes at the ceiling. "I'm not going to play at numbers," he chirped. "What matters is that MOBE accomplished so much. We did get the peace talks going. We did break some windows in the National Geographic Society building. Despite police brutality, our brave people managed to throw cans and sticks at the President." His voice went higher - sounding like glass bells in a soft summer breeze. "We shook the establishment, gentlemen."

Associated Press stood up. "We understand MOBE is broke. That you lost control of the thing. That SDS and many other organizations in the peace movement refused to back you. That you have no idea how MOBE funds were spent."

Dellinger put a finger in his mouth and sucked it reflectively. Some minutes passed before he spoke. "MOBE is solvent, boys. As of this morning, we have $1.54 in the treasury. The price of peace is high." He tried to look grim. "SDS, of course, is just a bunch of dirty college kids with grass for brains. We didn't want them or need them." He formed his lips into a cute bow. "I must go now. We're hitching a ride back to New York today unless we can raise bus fare."

He shoved four fingers into his mouth and was led slowly from the room humming "We Shall Overcome."

EXHIBIT 2

5416
411

SAC, New York 1/24/69

Director, FBI

COINTELPRO - NEW LEFT

Reurlet 1/21/69.

Authority is granted to make the anonymous mailing of the proposed leaflet submitted with relet.

The usual precautions are to be taken to protect the identity of the Bureau as the source of these mailings.

Promptly advise of any results obtained.

NOTE:

By relet, NY submitted a proposed leaflet to be mailed anonymously to selected individuals and organizations active in the New Left movement. This leaflet, written in the language of the New Left, belittles David Dellinger for his actions during the demonstrations during the Presidential inaugural ceremonies. This leaflet might serve to further bring to light the slipping grasp that the National Mobilization Committee has on the antiwar movement. A copy of the proposed leaflet is attached for ready reference.

EXHIBIT 3

UNITED STATES GOVERNMENT

Memorandum

DIRECTOR, FBI

DATE: 3/14/69

FROM: SAC, NEW YORK

(7)

SUBJECT: SOCIALIST WORKERS PARTY
IS - SWP
DISRUPTION PROGRAM

Enclosed for the Bureau is a copy of an unsigned letter sent to peace groups, new left groups and selected individuals, during February 1969, under the COINTELPRO at NY, with prior Bureau authority.

Included in the above were many members of the YSA and SWP at NY.

it was on the basis of this letter that one members was overheard to say that MOBE was now broke and could no longer be considered effective as an anti-war group.

FLASH FLASH FLASH FLASH FLASH FLASH

DESPERATE DAVE DANGLES DINGUS

Murderously Mangles MOBE

Washington, D. C. Jan. 20 - Speaking in his usual high pitched voice, Dave Dellinger, National Chairman of the National Mobilization Committee (MOBE), today claimed that the anti-inaugural demonstrations called by his organization had been responsible in getting the Paris peace talks going again.

Dellinger made this startling disclosure before an audience of newsmen in the dingy Hawthorne School which housed many of his followers. A cluster of the latter stood behind their Guru sniffling and fingering wilted flowers. Dellinger, looking pale - more fairy-like than ever - tried to control the squeaks in his voice to no avail. "How many demonstrators did MOBE bring to the inaugural?", he was asked.

"At least 10,000, " he answered.

"Bullshit", was heard in several sections of the room.

Dellinger shuffled his notes. " Let's make that 5,000."

"Bullshit".

"Would you believe 3,000?" Silence. Dave rolled his eyes at the ceiling. "I'm not going to play at numbers, " he chirped. "What matters is that MOBE accomplished so much. We did get the peace talks going. We did break some windows in the National Geographic Society building. Despite police brutality, our brave people managed to throw cans and sticks at the President." His voice went higher - sounding like glass bells in a soft summer breeze. "We shook the establishment, gentlemen."

Associated Press stood up. "We understand MOBE is broke. That you lost control of the thing. That SDS and many other organizations in the peace movement refused to back you. That you have no idea how MOBE funds were spent."

Dellinger put a finger in his mouth and sucked it reflectively. Some minutes passed before he spoke. "MOBE is solvent, boys. As of this morning, we have $1.5M in the treasury. The price of peace is high." He tried to look grim. "SDS, of course, is just a bunch of dirty college kids with grass for brains. We didn't want them or need them." He formed his lips into a cute bow. "I must go now. We're hitching a ride back to New York today unless we can raise bus fare."

He shoved four fingers into his mouth and was led slowly from the room humming "We Shall Overcome."

EXHIBIT 4

SAC, WFO (100-44757)

10/16/68

Director, FBI (100-449698)

COINTELPRO - NEW LEFT

Your review of this Program along with your analysis of the New Left has been carefully reviewed by the Bureau. Your analysis is excellent and shows that you have devoted a great deal of thought to problems created by the New Left, particularly, the problem of student agitation.

Your suggestion that anonymous mailing of literature and letters to the parents of SDS recruits and members be made has merit. In this connection, you should furnish the Bureau a proposed letter that can be sent to the parents of SDS members and recruits.

You should also formulate specific counterintelligence actions aimed at the New Left, particularly, SDS in colleges in the Washington, D. C., area. Bear in mind that ridicule can be a potent weapon against these groups and individuals.

BAW:jes (5) You are reminded that no counterintelligence action is to be taken without Bureau approval.

100-44757-512
100-449698-53-16

BAW:jes
(5)

REC-1

19 OCT 16 1968

EX-102

NOTE:

WFO has submitted an anlysis of the New Left and has made some general suggestions for counterintelligence action. The suggestion set out above appears to have merit and WFO is being instructed to furnish a proposed letter that can be sent to parents of SDS members. This could result in the parents' forcing the individual concerned to withdraw from SDS.

MAILED 80
OCT 15 1968
COMM-FBI

54 OCT 22 1968

MAIL ROOM ☐ TELETYPE UNIT ☐

EXHIBIT 5

#7

ROUTE ENVELOPE

1 - Mr. Sullivan
1 - Mr. Brennan
1 - Mr. Branigan

Mr. W. C. Sullivan [redacted] 4/27/71

Mr. C. D. Brennan

[redacted]

COUNTERINTELLIGENCE PROGRAMS (COINTELPRO)
INTERNAL SECURITY - RACIAL MATTERS

To afford additional security to our sensitive techniques and operations, it is recommended the COINTELPROS operated by the Domestic Intelligence Division be discontinued.

At the present time this Division operates seven COINTELPROS as follows:

COINTELPRO - Espionage
COINTELPRO - New Left
COINTELPRO - Disruption of White Hate Groups
COINTELPRO - Communist Party, USA
[redacted]
COINTELPRO - Black Nationalists
Socialist Workers Party - Disruption Program

These programs involve a variety of sensitive intelligence techniques and disruptive activities which are afforded close supervision at the Seat of Government. They have been carefully supervised with all actions being afforded prior Bureau approval and an effort has been made to avoid engaging in harassment. Although successful over the years, it is felt they should now be discontinued [redacted] security reasons because of their sensitivity.

In exceptional instances where counterintelligence action is warranted, it will be considered on a highly selective individual basis with tight procedures to insure absolute security.

ACTION:

If approved, attached airtel will be sent to all field offices discontinuing our COINTELPROS.

Enclosure
1 - 65-69260
1 - 100-449698
1 - 157-9
1 - 100-3-104
1 - 105-174254
1 - 100-449698
1 - 100-436291
DR:mjw
(16)

NOT RECORDED
MAY 10 1971

[redacted]

RECLASSIFIED BY 6080 Ted/MPP
ON 5/11/77

59 MAY 18 1971

ROUTE IN ENVELOPE

4/28/71

1 - Mr. Sull:
1 - Mr. Brenn
1 - Mr. Brant
1 - Mr. [redacted]
1 - Mr.
1 - Mr.
1 - Mr.
1 - Mr.

Airtel

To: SAC, Albany PERSONAL ATTENTION

From: Director, FBI

COUNTERINTELLIGENCE PROGRAMS (COINTELPROS)
INTERNAL SECURITY - RACIAL MATTERS

Effective immediately, all COINTELPROS operated by this Bureau are discontinued. These include:

COINTELPRO - Espionage
COINTELPRO - New Left
COINTELPRO - Disruption of White Hate Groups
COINTELPRO - Communist Party, USA
Counterintelligence and Special Operations
COINTELPRO - Black Extremists
Socialist Workers Party - Disruption Program

In exceptional instances where it is considered counterintelligence action is warranted, recommendations should be submitted to the Bureau under the individual case caption to which it pertains. These recommendations will be considered on an individual basis.

You are reminded prior Bureau authority is required before initiating any activity of a counterintelligence nature.

X - All Field Offices (PERSONAL ATTENTION)

1 - 65-69260
1 - 100-449698
1 - 157-9
1 - 100-3-104
1 - 105-174254
1 - 100-448006
1 - 100-438291
DR:mfe
(136)

105-174254-
NOT RECORDED
DUPLICATION

NOTE: See memorandum, same caption, dated 4/27/71, prepared by DR:mfe.

59 MAY 19 1971

EXHIBIT 6

UNITED STATES GOVERNMENT

Memorandum

TO : DIRECTOR, FBI (100-3-104-53) DATE: 8/7/67

FROM : SAC, WFO (100-421 FF)

SUBJECT: COMMUNIST PARTY, USA + Special Operations
COUNTERINTELLIGENCE PROGRAM
IS - C
~~(NORTH VIETNAM)~~

REC 11

ReBulet dated 8/25/67, re operation of [redacted]

Enclosed herewith for the Bureau are the following:

1. Copy of clipping from "The Washington Post and Times Herald," a Washington, D. C. newspaper, dated 8/30/67.
2. Copy of cablegram from Vietnam Women's Union, Hanoi, dated 8/23/67.
3. Copy of page 43, from pamphlet issued by Women's International Democratic Federation, East Berlin.
4. List of subscribers to "Memo," national bulletin of the Women Strike for Peace (WSP).
5. Copy of "Vietnamese Students' Appeal to the American Students," dated 4/3/67, at Paris.

105-174254-X19

6. Copy of letter from WSP to Nguyen Ngoc Giao, Paris, France, dated 5/3/67.
7. Copy of "Letter from China," No. 50, dated 7/5/67, by ANNA LOUISE STRONG, with attached note by STRONG dated 7/12/67.

REC 11

(2 - Bureau (Enc 7))
2 - WFO
(1 - [redacted])
PHW /mr
(4)

Classified by 6326 PC
Exempt from G.D.S. Category 2 & 3
Date of Declassification Indefinite

8 SEP 8 1967

INCLOSURE
ENCLOSURE ATTACHED

CONFIDENTIAL

INT.

Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan

EXHIBIT 7

FD-36 (Rev. 5-22-64)

FBI

Date: 11/7/68

Transmit the following in _____ (Type in plaintext or code)

Via AIRTEL _____ (Priority)

TO: DIRECTOR, FBI (105-174254)

FROM: SAC, WFO (100-48466) (P)

COUNTERINTELLIGENCE AND SPECIAL OPERATIONS
(NATIONALITIES INTELLIGENCE)

[redacted]

3 - New York (RM)
(1 - WSP DELEGATION TO SOVIET UNION, 11/11/68-12/2/68)
6 - WFO

REC-63 105-174254-103

14 NOV 15 1968

(1 - 100-New) (WOMEN STRIKE FOR PEACE DELEGATION TO SOVIET UNION, 11/11/68-12/2/68, INFO CONCERNING-IS)

JRP:rmh
(13)

Classified by [redacted]
Exempt from GDS, Category [redacted]
Date of Declassification Indefinite

AIRTEL

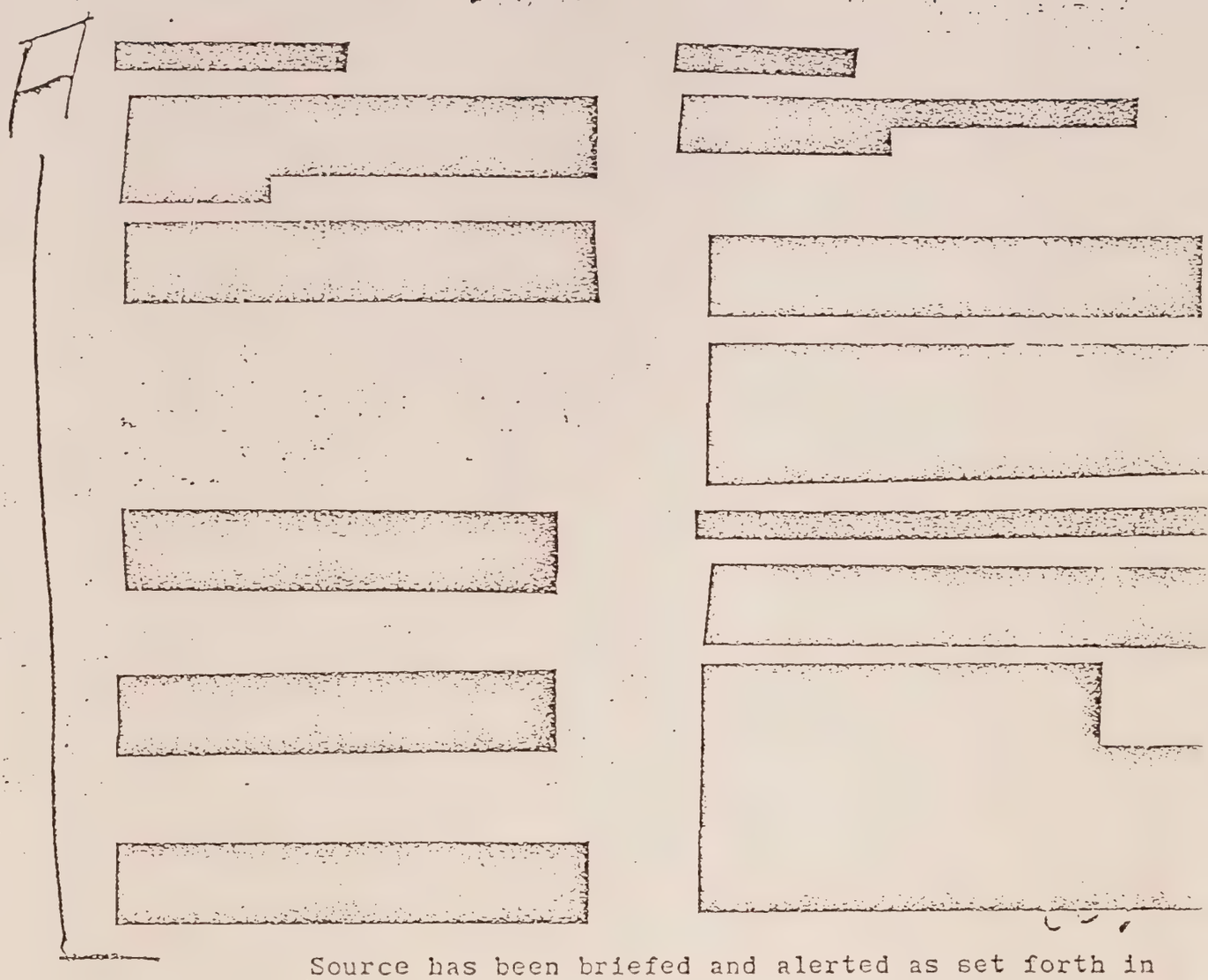
NOV 22 1968

FBI/DOJ

Approved: _____ Special Agent in Charge

DATE: 5-19-80 DRK/wel

Sent _____ M Per _____



Source has been briefed and alerted as set forth in reBulet. (U)

WFO has opened a new case captioned, "Women Strike For Peace Delegation To Soviet Union, 11/11/68 - 12/2/68, Informatic Concerning - IS" to handle dissemination concerning this matter.

New York is requested to furnish background and any subversive information concerning one [redacted] in form suitable for dissemination under immediate caption above. (U)

EXHIBIT 8

#11

11/26/68

CONFIDENTIAL

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED EXCEPT WHERE SHOWN OTHERWISE

TO: DIRECTOR, FBI

FROM: SAC, NEW YORK (105-174254) (P)

SUBJECT: [redacted]
INTERNAL SECURITY - [redacted]
(OO:NYO)

Reference is made to LHM dated 11/12/68, captioned as above.

Enclosed for Bureau are thirteen copies and for New York three copies of an LHM suitable for dissemination.

[redacted]

The LHM is classified "Confidential" because it contains information from a source of continuing value.

Local dissemination made to ONI, Secret Service, and Military Intelligence agencies.

NY will continue to follow this matter through established sources.

(5) Bureau (Enc. 13)
(1- 105-174254) (CONTAINS INTELLIGENCE AND SPECIAL OPERATIONS)
(1- 134-15113)
2- New York (Enc. 3) (P)
(1- [redacted])
2- WFO
(1- 100-44518)
(1- 100-46305)
(1-100-21538)

Classified by 6136
Exempt from GDS, Category [redacted]
Date of Declassification Indefinite

12/4/24

105-174254

[redacted]
PHF/bdn
(15)

ENCLOSURE

CONFIDENTIAL

2/7

57 DEC 2 1968

105 NOV 27 1968

DATE [redacted]
(SLIP(S) OF ROUTING SLIP(S) OR ROUTING AND FIELD OFFICES, AND/OR INDIVIDUALS)

[redacted] STRIKE FOR PEACE DELEGATION TO EASTERN EUROPE
OCTOBER 11, 1966 - OCTOBER 2, 1966

(S)

Concerning Felix Greene, "Parade," a Sunday supplement in "The Washington Post and Times Herald" newspaper, Washington, D.C., in its Sunday edition, October 9, 1966, set forth the following on page two, under Walter Scott's "Personality Parade." (U)

"Felix Greene of Palo Alto, California, cousin of British novelist Graham Greene, is an English citizen who has lived in the United States since 1940. He is recognized as a leftist and sympathizer with communist causes. He is not a registered agent of the People's Republic of China, but anyone who has seen his film, 'China', or read his books may determine the extent of his leftist devotion. A summary of his activities and background appears in the Congressional Record, Eighty-Ninth Congress, Second Session." (U)

SSP is a national women's organization which in the past has demonstrated against nuclear testing, the draft and the war in Vietnam. (U)

[redacted]

EXHIBIT 9

12/12/68

CONFIDENTIAL

AIRTEL

SECRET MATERIAL ATTACHED

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED EXCEPT WHERE SHOWN OTHERWISE.

TO: DIRECTOR, FBI

FROM: SAC, WFO (100-41623) (P)

WOMEN STRIKE FOR PEACE DELEGATION
TO SOVIET UNION, 11/11/68 - 12/2/68
INFORMATION CONCERNING - IS

Re WFOairtel captioned "COUNTERINTELLIGENCE AND SPECIAL OPERATIONS (NATIONALITIES INTELLIGENCE)", WFO enclosed LHM captioned "WOMEN STRIKE FOR PEACE DELEGATION TO SOVIET UNION, 11/11/68 - 12/2/68, INFO CONCERNING - IS", both dated 12/6/68.

Enclosed for the Bureau are thirteen copies and to New York three copies of an LHM suitable for dissemination, dated and captioned as above.

A

A

S-Director (Enc. 13)
(COUNTERINTELLIGENCE & SPECIAL OPERATIONS)

A

D

(COUNTERINTELLIGENCE & SPECIAL OPERATIONS)

D

D 105-171127

NOT RECORDED
169 DEC 30 1968

Classified by 6136
Exempt from GDS, Category 2
Date of Declassification Indefinite

12/5/94

CONFIDENTIAL

SECRET MATERIAL DETACHED

ENCLOSURE

CLASSIFIED DECISIONS FINALIZED BY DEPARTMENT REVIEW COMMITTEE (DRC)
DATE: 5-12-94 DRC

APPROPRIATE AGENCIES AND FIELD OFFICES ADVISED VIA ROUTING SLIP(S) DATED

CONFIDENTIAL

No local dissemination is being made.

WFO will continue submitting LIMs on info from sources is received and evaluated.

//

CONFIDENTIAL

UNITED STATES DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION FOREIGN DISSEMINATION

December 13, 1963
WASHINGTON, D.C. 20535

In Reply, Please Refer to File No.

WOMEN STRIKE FOR PEACE DELEGATION TO SOVIET UNION
NOVEMBER 11, 1963 - DECEMBER 2, 1963

Reference memorandum captioned as above, dated December 6, 1963, at Washington, D.C. (WFO) (U)

[redacted]

CLASSIFIED DECISIONS FINALIZED
BY DEPARTMENT REVIEW COMMITTEE (DRC)
DATE: 5-19-80 DRK/wdf

SECRET - NO FOREIGN DISSEMINATION

GROUP 1
Excluded from automatic downgrading and declassification

105-174357-

ENCLOSURE

[redacted]

WOMEN STRIKE FOR PEACE DELEGATION TO SOVIET UNION
NOVEMBER 11, 1965 - DECEMBER 2, 1965

SECRET

A

Concerning Felix Greene, "Parade," a Sunday supplement in "The Washington Post and Times Herald" newspaper, Washington, D.C., in its Sunday edition, October 9, 1966, set forth the following on page two, under Walter Scott's "Personality Parade." (U)

"Felix Greene of Palo Alto, California, cousin of British novelist Graham Greene, is an English citizen who has lived in the United States since 1940. He is recognized as a leftist and sympathizer with communist causes. He is not a registered agent of the People's Republic of China, but anyone who has seen his film, 'China', or read his books may determine the extent of his leftist devotion. A summary of his activities and background appears in the Congressional Record, Eighty-Ninth Congress, Second Session." (U)

WSP is a national women's organization which in the past has demonstrated against nuclear testing, the draft and the war in Vietnam. (U)

[redacted]

SECRET

EXHIBIT 10

CONFIDENTIAL 2/10/69

DIRECTOR, FBI

SAC, WFO (100-45625) (P)

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED EXCEPT WHERE SHOWN OTHERWISE.

POWER STRIKE FOR PEACE DELEGATION
TO SOVIET UNION, 11/21 - 12/2/68
INFO CONCERNING - IS

Reurairtel and LHM captioned as above, dated 12/20/68.

Enclosed for the Bureau are 13 copies and to New York, 1 copy (Info), of an LHM suitable for dissemination.

Source used in LHM is [redacted] (C)

LHM is classified "Secret - No Foreign Dissemination" because [redacted] obtained information used in connection with a counterintelligence operation.

No local dissemination being made.

Further LHMs will be forwarded as information obtained is evaluated.

[redacted]

APPROPRIATE AGENCIES
AND [illegible]
AT [illegible]
SLIP(S) FILED [illegible]
DATE 2-7-69

2 - Bureau (Encs. 13) (COUNTERINTELLIGENCE AND SPECIAL OPERATIONS)
(1 - 105-174254) ([redacted])
1 - New York (Enc. 1) (Info) (RM)
6 - WFO
(1 - 100-48466) (COUNTERINTELLIGENCE AND SPECIAL OPERATIONS)
(1 - 100-44519) ([redacted])
(1 - 100-40305)
(1 - 100-21535)
[redacted]

105-174254-

NOT RECORDED
30 FEB 12 1969

RET [illegible]
(11)

Classified by 6180
Exempt from GDS, Category 2 & 3
Date of Declassification Indefinite

UNITED STATES DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION

In Reply, Please Refer to File No.

Washington, D.C. 20535

SECRET NO FOREIGN DISSEM

February 10, 1969

WOMEN STRIKE FOR PEACE DELEGATION
TO SOVIET UNION,
NOVEMBER 11 - DECEMBER 2, 1968

Reference memorandum captioned as above dated December 20, 1968, at Washington, D.C. (U)

A source, who has furnished reliable information in the past, recently advised as follows: (U)

[redacted] (S)

SECRET NO FOREIGN DISSEM

GROUP 1
Excluded from automatic downgrading and declassification

105-174254-

EXHIBIT 11

CONFIDENTIAL

3/20/69

DIRECTOR, FBI

SAC, BPO (100-65225) (C)

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED EXCEPT WHERE SHOWN OTHERWISE.

FOREIGN FUNDS FOR PEACE DELEGATION
TO SOVIET UNION, 11/11 - 12/2/68
DISSEMINATION CONTROLLED - IS

Bufpiet and LHM captioned as above dated 3/10/69.

Enclosed herewith are 15 copies and to New York is 1 copy (Info) of an LHM suitable for dissemination.

(C)

LHM is classified "Secret - No Foreign Dissemination" because information obtained by source was received in connection with a counterintelligence operation.

No local dissemination this date.

The enclosed LHM concludes the action requested from

This matter is being considered closed unless specific questions are desired to be directed to source.

(6) - Bureau (Encs. 15)
(1-105-174254) (COUNTERINTELLIGENCE AND SPECIAL OPERATIONS)
(1-134-15193)
1 - New York (Info) (RM) (Enc. 1)
1 - BPO
(1-100-65486) (COUNTERINTELLIGENCE AND SPECIAL OPERATIONS)
(1-100-64518)
(1-100-65305)
(1-100-21538)

105-171125-1

NOT RECORDED
201 MAR 24 1969

Retained
(11)

Classified By GJBCAR
Exempt from GDS, Category D
Date of Declassification Indefinite
3/31/89

FEDERAL STATE AGENCIES AND FOREIGN OFFICES ATTACHED BY ROUTING SLIP(S) OF
DATE 4-3-69

CONFIDENTIAL

70 APR 2 1969

EXHIBIT 12

CONFIDENTIAL
4/11/69

AIRTEL

TO: DIRECTOR, FBI (62-107350)

FROM: SAC, WFO (100-39566) (P)

WOMEN STRIKE FOR PEACE (WSP)
IS - C

APPROPRIATE AGENCIES AND FIELD OFFICES ADVISED BY ROUTING SLIP(S) OF Classified DATE 7/27/70 TJS

One of the announcements of interest was that WSP has received invitations from the Federation of Cuban Women for two groups of about 17 women in each to visit Cuba, for periods of three and four weeks. The invitations are for trips apparently leaving from Mexico, D.F., Mexico, on June 18, and July 23, 1969. WSP, or the individual, will have to pay the fare to and from Mexico, D.F., and the Federation will pay all expenses from Mexico City to Cuba, while in Cuba and return fare to Mexico City.

Above for information. WFO will forward details concerning the invitations as received.

(4) - Bureau
1 - Legat, Mexico, D.F.) (Info)
(1 - 105-174254) (COUNTERINTELLIGENCE AND SPECIAL OPERATIONS)
1 - Baltimore (Info) (RM)
2 - WFO
(1 - 134-6831 Sub A)

CONFIDENTIAL
Classified 6136 Exempt (E.O. Category 2) Date of Declassification Indefinite
Reviewed by 6080 EWR 2.77
17/3/14

2 105-174254
NOT RECORDED
203 APR 30 1969

PHH:bbn
(5)

164
55 MAY 2 1969

ORIGINAL FILED IN

EXHIBIT 13

FBI

Date: 5/9/69

Transmit the following in _____ (Type in plaintext or code)

Via AIRTEL _____ (Priority)

TO: DIRECTOR, FBI (62-107350)

FROM: SAC, WFO (100-39566)

WOMEN STRIKE FOR PEACE (WSP)
IS-C
~~CONFIDENTIAL AIRTEL ATTACHED~~

ReWFOairtel dated 5/8/69.

Enclosed herewith are six (6) copies to the Bureau of an LHM suitable for dissemination dated and captioned as above, the contents of which may be of interest to other Government departments.

Source referred to in LHM is [redacted]

LHM is classified "Confidential" to protect a source of continuing value.

No local dissemination of LHM was made.

Copy to _____
by routing slip for
☐ Info ☐ action

ENCLOSURE

NOT RECORDED
98 MAY 16 1969

(3) - Bureau (Encs. 6)
(1 - 105-174254) (COUNTERINTELLIGENCE AND SPECIAL OPERATIONS)
2 - WFO
(1 - 134-6831 Sub A)

1 MAY 13 1969

DWW:mch
(5)

AGENCY: G-2, ONI, CCI, SECRET, STATE
(AEC, FBI)
REQUESTING OFFICIAL AND TITLE:
DATE FORWARDED:
HOW FORWARDED:
BY:

ORIGINAL FILED IN

31 MAY 23 1969

Approved: _____

UNITED STATES DEPARTMENT OF JUSTICE

CONFIDENTIAL

FEDERAL BUREAU OF INVESTIGATION

In Reply, Please Refer to File No.

Washington, D.C. 20535

May 9, 1969

WOMEN STRIKE FOR PEACE (WSP)

[redacted]

WSP is a national women's organization which in the past has demonstrated against nuclear testing, the war in Vietnam, and the Draft.

[redacted]

Classified by 6680/ (EWP)
Exempt from GDS, category 2
Date of Declassification indefinite
9/11/77

CONFIDENTIAL

APPROPRIATE AGENCIES AND FIELD OFFICES ADVISED BY ROUTING SLIP(S) OF classification DATE 7/25/77

GROUP 1
Excluded from automatic downgrading and declassification

ENCLOSURE

100-111954

ENCLOSURE 100-111954

CONFIDENTIAL

WOMEN STRIKE FOR PEACE (WSP)

[redacted]

The women who attend the conference may go on to the International Women's Conference to be held in Helsinki, Finland, June 14 - 17, 1969, and their expenses will be paid from East Germany to Helsinki by the Women's Congress.

[redacted]

No decision with regard to [redacted] proposal was made.

This document contains neither recommendations nor conclusions of the FBI. It is the property of the FBI and is loaned to your agency; it and its contents are not to be distributed outside your agency.

CONFIDENTIAL

HOI LIEN HIEP PHU NU VIET-NAM
UNION DES FEMMES DU VIET-NAM
VIET-NAM WOMEN'S UNION
СОЮЗ ЖЕНЩИН ВЬЕТНАМА
越南妇女联合会
19, Hang Chuoi, Hanoi — Viet-Nam

Hanoi, February 15, 1969

A LETTER TO AMERICAN WOMEN ON THE OCCASION OF MARCH 8

-+++-

Dear friends,

On the occasion of March 8, the historic day of struggle of women, we send you the most cordial greetings of Vietnamese women and mothers.

We warmly hail the successes you have scored in your struggl early this year.

The seething demonstration by ten thousands people in Washin ton and the sending of millions of letters and distribution of millions of leaflets by women's organisations have expressed your just and urgent demands that the Nixon Administration should end the bloody war in Viet Nam and bring your menfolk back home. We warmly hail those women, youths, students, war veterans, officers and servicemen, priests, religious believers, writers, artists, and all freedom-and justice-loving Americans who have courageously opposed and are opposing the American government's aggressive policy. Our sincere thanks to them all!

Our people's struggle over the past years has recorded great successes. In face of those successes and the pressure of world and American public opinion, the US government has been forced to put an unconditional end to the bombing and shelling all over the territory of the Democratic Republic of Viet Nam and to hold talks with the South Viet Nam National Front for Liberation with a view to a political settlement to the South Viet Nam problem.

However, Washington has not given up its aggressive designs against South Viet Nam. The US government and the Saigon regime of Thieu-Ky-Huong have continued to intensify the war in South Viet Nam and to perpetrate more crimes against the people, women and children there. Using more than one million American, puppet and satellite troops they are carrying out large-scale "mopping-up" operations, launching a program of "accelerated pacification", concentrating the population, conducting wanton bombing raids by B.52s on populous areas, spraying over larger quantities of toxic chemicals on hamlets and villages, and savagely repressing all popular movements for a better standard of living, democratic freedoms and the restoration of peace.

As regards North Viet Nam, contrary to the American President's statement of October 31, 1968, American aircraft have carried out continual reconnaissance raids over the North, and bombed and strafed populous areas in the provinces of Nghe-an, Hatinh, Quang-binh, and the district of Vinh Linh brazenly

violating the sovereignty and security of the DRVN . What is particularly serious, American B.52s have recently carried out carpet bombings in many areas of Quang-binh province.

The four party conference held in Paris to seek a political settlement to the South Viet Nam problem is still marking time.

In face of those obdurate and warlike actions of the Americans, the people and women of Viet Nam from North to South have to carry on the struggle until complete national independence is won.

Dear friends,

Being women and mothers, more than anyone else you readily sympathize with the Vietnamese people's and women's immense sacrifices, legitimate aspirations, and indomitable struggle for independence and freedom.

In this decisive stage, we eagerly call on you to mobilize all women forces for a vigorous struggle to compel the American government to end its aggression in South Viet Nam and all encroachments on the sovereignty and security of the Democratic Republic of Viet Nam, withdraw all American and satellite troops from South Viet Nam, hold serious talks with the South Viet Nam National Front for Liberation, which is the genuine representati of the South Vietnamese people and is fully qualified to settle all problems relating to South Viet Nam, and leave the Vietnames people to settle their own affairs without foreign interference.

We firmly believe that for love of your country, your families, your children, freedom and justice, you will spare no effort, You will devote all your strength and energies to even more vigorous and practical actions so as to contribute to an early end of the American government's cruel war, give back to the children of Viet Nam peace and happiness in an independent and peaceful country, to defend the lives of American youths , and preserve the honour of the United States.

Ou are the true guardians of American cultural and spiritua values and civilisation.

Your struggle for peace, freedom and justice is bound to wi

HA GIANG
Vice President
Of the Viet Nam Women's Union

EXHIBIT 14

ABBOTT, SAM

WF-2141-R*

7/4/70

No

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 6/12/31 BY SP2 [illegible]

HQ

BLOOM, ABE

WF-2141-R*

9/18/70

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 6/12/31 BY SP2 tas/ksp

HQ

BOOKER, REGINALD

WF-2141-R*

11/19/70

N/O

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 6/12/13 BY

HQ

EATON, DAVID (REVEREND)

WF-2141-A-R*

10/2/70

NO

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 6/12/81 BY SP2 [illegible]

HQ

UNITED STATES DISTRICT COURT

DISTRICT OF COLUMBIA

JULIUS HOBSON, et al., Plaintiffs,	)	RECEIVED SEP 1 9 1980
v.	)	Civil Action No. 76-1326
JERRY WILSON, et al., Defendants.	)	

MOTION BY FEDERAL DEFENDANTS FOR JUDGMENT ON THE PLEADINGS

The federal defendants,*/ through their undersigned counsel and pursuant to Rules 8(c), 12(b)(6), and 12(c) of the Federal Rules of Civil Procedure, move this Honorable Court for judgment on the pleadings in their favor in that the claims are barred by the applicable statute of limitations, 12 D.C. Code § 301, and thus the complaint fails to state a claim upon which relief can be granted.

In support of this motion the federal defendants rely upon the record of this action, the attached exhibits, and the attached memorandum of points and authorities.

Respectfully submitted,

STUART E. SCHIFFER
Acting Assistant Attorney General

CHARLES F. C. RUFF
United States Attorney

BROOK HEDGE

DAVID H. WHITE

Attorneys, Department of Justice
10th & Constitution Avenue, N.W.
Washington, D.C. 20530
Telephone: (202) 633-4269

Attorneys for federal defendants

*/ Charles Brennan, Robert Kunkel, Terry T. O'Connor, Charles Sawyer, Robert Yates, Robert Feuer, David Rarity, George Moore, Gerald Grimaldi, Peter A. Gullota, Jr., Joseph Keller, Hilmer Krebs, Paul Lamberth, Robert Olmert, Gerould Pangburn, Edward Rudiger, John Stanley, Edwin Waite, Courtland Jones, Clarence Kelley, and William H. Webster, sued in his official capacity as Director, Federal Bureau of Investigation.

Disenchanted with the FBI, again

Robert Wall knows first-hand what goes on inside the FBI's Washington field office, and Robert Wall is leaving the country

About seven years ago, Robert Wall joined the FBI because he wanted to "do something for good in the world, as naive as that sounds, and the FBI stood for all the good things." He resigned from the Bureau in 1970 after five years of service, and today at 33, he's planning to resign from the United States, at least temporarily, and move with his wife and three children to a small, isolated farm in Nova Scotia.

Both actions, rather drastic, are caused by varieties of disillusionment. And, by Wall's broadening quest for a life that makes sense to him.

The tale of his disillusionment with the FBI is traced in the following article by Wall, parts of which appeared in *The New York Review of Books*, and a second piece in next Sunday's *Potomac*.

It was not a single event or experience in the FBI that forced Wall's decision, but rather, as he said in a recent conversation, "the overall experience. I suppose more than anything, the repression of political freedoms as contrasted with the Bill of Rights. In a place like Russia, you know you have no rights and so it's not as bad. You wouldn't expect to find them there, but here, from its story and the threads all through our history, you do expect them because the traditions of this country . . . especially the treatment of black minorities."

When he resigned, his official reason for doing so was to attend law school. (That holding a law degree was not a requirement for an FBI agent was one of the first differences between the Bureau's public image and its reality Wall encountered.) "I didn't burn any bridges when I resigned. I was more cautious than and I didn't want any bad references in my personal fitness reports. I had no thought of going back, but was concerned about getting past the ethics board of the law association, if I had a bad FBI record."

Wall returned to Buffalo, where he was born and raised, where his large family still lives today. It is a family with a strong Catholic tradition; two of Wall's older brothers are priests, and he was educated in seminaries through high school, college and a year of post graduate studies, nearly becoming a priest himself. "They think I'm a radical," he said recently, "but they try to be very Christian in their attitudes. There is no open animosity. Nobody argues in our family."

In the fall of 1970, he entered law school at New York State University in Buffalo, believing that the law offered him his second chance "to do something for good . . . something that benefited mankind." Last January, he resigned, again having realities betray his ideals. "The law, as it's constituted today," Wall says, "cannot answer the problems we have in society."

While attending law school, Wall became active in various causes—the Harrisburg Defense Committee, the Buffalo Defense Committee—and he "attempted to point out and stop arbitrary actions of the police department in Buffalo. You know, there'd be demonstrations, and demonstrators got beat up, and we'd file complaints." But the gap between his law classes and what was supposed to be, and what he found in the streets and what was, grew hopelessly wide in Wall's eyes. "I was turned off to law as an effective way to change things."

There was another reason he gave up on law school and decided to move to Nova Scotia.

"I came out of the Bureau looking for a different type of life. And I began to see that as a lawyer, I'd have the same life style, the same emphasis on competition for success, the same influences on my kids . . . I'm happier now. Before I was making $23,000, drove a fancy car. Now we live in a changing neighborhood with a broken-down Jeep wagon. But the change drew us close together, as people and a family. I have more time with the family."

He views Nova Scotia, in part, as an extension of his effort to create a "different kind of life."

"We'll be living in a relatively isolated situation and be able to deal with family and society on a different level . . . I decided on Nova Scotia for a few reasons. First, I wanted to get out of the country, so that we could get a perspective on the country you can't get any other way. Then, Nova Scotia is an economically depressed area, so land is cheap. And though we spent only two weeks there, we found it physically very beautiful. And we have some friends up there.

"A Cop-out? Yeah, everyone asks me that, and I have three things to say in reply. To begin with, my responsibility to my family comes first. In Nova Scotia, I think we'll grow even closer and I can build something for the future for them. Then, doing what I'm doing might serve as an example for others to follow. And, finally, there comes a point when you have to make an assessment of yourself and society, instead of charging ahead blindly . . . Who knows, maybe in a few years we'll be back.

"When you've come through what I've come through, you can't avoid a depression of sorts. But now, I'm not depressed. On the contrary, I look forward to a new and different life style."

— ROBERT WOOL

Photographed by Mike Mitchell

Ex-FBI agent Robert Wall helps his oldest daughter, Joan (5) with a math problem at a free school near his home in Buffalo, N.Y.

0-19 (Rev. 12-30-71)

Part I

By Robert Wall

In May of 1965, after serving as a naval officer for several years, I arrived in Washington, D.C., to begin my training for the position of Special Agent with the Federal Bureau of Investigation. I was both naive and apolitical. I thought of myself as an intense idealist and was convinced that the FBI was an organization in which personal integrity was highly valued. To me the organization was above all a protector of the innocent public and only secondarily the relentless pursuer of wrongdoers. In short, I was an ideal candidate for the job. I would not question; I would simply learn to do as I was told, content to believe that the FBI would never direct me wrong.

This belief managed to survive my first two years in the Bureau, during which I worked on criminal investigations and government job applications. It was when I was assigned to work in Internal Security in Washington D.C., that I began to have my first serious doubts about the integrity of the organization, its motives, and its goals.

The Washington Field Office is the operating arm of the FBI in Washington, D.C. Like other field offices, we reported to the Bureau's Washington headquarters, but our office was one of the largest. Assigned to the office were between 500 and 600 agents, broken up into squads of from a handful to 50 or 60. Two squads worked only on applications for government jobs and five or six handled criminal investigations. In addition, there were nine squads assigned to do "security" work. One of those nine was charged with investigating all of the various individuals and organizations that allegedly threatened the national security or that advocated the overthrow of the United States government by force or violence.

It was to this squad that I was assigned in May, 1967, shortly before my second anniversary as an agent. I looked forward to the assignment because anything would have looked good to me after a few months spent investigating applicants for government jobs. But I realized that all my FBI experience until then had in no way prepared me for work in security. During the training course for new agents which I had undergone in 1965, instruction on "security" meant listening to stories of the Bureau's great accomplishments, e.g., the capture of the Nazi saboteur team that landed in Florida and New England during World War II, and, of course, the apprehension of Colonel Rudolph Abel. We learned also that the Bureau had been able to break up the Ku Klux Klan and the Communist Party.

But nothing in this training was meant to define how the FBI views national security or threats to it. We were told instead that only a handful of experienced and carefully picked agents, the "cream of the crop," were selected to work in this most difficult and challenging field. Furthermore, information about the security work of the FBI was supplied on a "need to know" basis only, and there was no immediate need to tell us much more.

Later, in September, 1967, I was sent to the FBI National Academy in Quantico, Va., for a two week in-service training in "Basic Security." But this consisted mainly of an elaborate rehash of the noninformation we had received during new agents' training. Nonetheless, I was eager to learn more about the work of the squad and the men assigned to it.

The Washington Field Office occupied the entire fourth and fifth floors and part of the sixth and eighth floors of the Old Post Office Building located between 10th and 11th Streets on Pennsylvania Avenue.

I found Squad S-7's space on the fourth floor on the 11th Street side of the building. Three rooms were designated for its use. The first was utilized by the squad supervisor, the second by the supervisor's secretary, a confidential file clerk and a few filing cabinets and the third by the dozen or so agents who made up the bulk of the squad. The third or squad room, as it was called, was jammed full of desks.

Groups opposed to the war in Vietnam, the draft, the House Un-American Activities Committee and other politically deviant groups fell to the squad for investigation as did a variety of civil rights organizations such as the Student Nonviolent Coordinating Committee (SNCC), Congress of Racial Equality (CORE), Southern Christian Leadership Conference (SCLC), and later the Black Panther Party.

After introducing me to a number of the squad members who were present at the time, my new supervisor directed me to acquaint myself with the work of the squad by reading through sections of the Manual of Instructions which pertained to Security Investigations. I found an empty desk and began to scan the seemingly endless pages of precisely ordered gibberish contained in the manual. This task was so boring and the result so meaningless that I was soon searching for any excuse to get out of the office.

In mid-morning of my second day on the squad, the supervisor came into the squad room with a teletype and laid it on the desk of an agent sitting nearby. He told the agent to get a few others who weren't busy and cover the demonstration mentioned in the teletype. A group gathered around to see what the assignment was and I joined them. Anxious for any diversion I volunteered to assist. A number of others also signified their willingness to take part in the coverage. No one who expressed an interest was refused. It reminded me of the city room of a newspaper in an old movie where the editor comes rushing in yelling that there's a big fire in the old Glutz Warehouse and orders out a couple of reporters and a photographer to cover it.

No special preparations were required. The agents who had agreed to take part returned to their desks and cleaned up their paper work and a few minutes later gathered at the door of the squad room. There were five or seven all including one who was specially trained and equipped for photography.

I had no idea of what I was supposed to do. The teletype had said simply that two busloads of steelworkers from Bethlehem Steel's Sparrow's Point Plant (near Baltimore) were planning to picket at the Department of Labor, charging Bethlehem with racial discrimination in hiring and promotion and demanding that the Department of Labor step in to protect the rights of Negro workers discriminated against. I remember asking at the time, "Why are we covering this demonstration?" The answer, which I accepted unquestioningly at the time, was something to the effect that the FBI is charged with the responsibility of reporting on situations from which possible racial violence could arise. It was a glib response which was easily accepted. The riot in Watts was still a fresh memory. The Congress of Racial Equality (CORE) was sponsoring the demonstration. I knew of a case in the office titled "Comintil Core" (shorthand for Communist Infiltration of CORE). And I reasoned that we wouldn't even have such a case unless there was a good reason to believe that the Communists were trying to take over the civil rights movement. So, logically, we could cover the demonstration to guard against any attempt to provoke racial violence.

I also asked what I was supposed to do. The answer here was simply that I should stand discreetly near the picketing, observe and record any signs being carried, try to identify the leaders or spokesmen of the group and determine, if possible the full extent of the group's plans. And so I spent the afternoon standing near the Department of Labor watching about 100 people march about in a circle, carrying signs, chanting and singing until a small delegation from the demonstrators met with some Labor Department officials inside the building. The remaining pickets gathered in the Departmental Auditorium located next door and were addressed by James Farmer who was then a former director of CORE. He spoke movingly of the struggle for civil rights in the South and how demonstrations such as the one which had just taken place were carrying on the spirit of that struggle in the North. Again I wondered why we were covering the demonstration when it seemed more consistent that we should have been there, if at all, to protect the marchers rather than surveil them.

I received my appointment to the FBI just one month after I was released from active duty in the Navy. In my final year of active duty I was stationed near Washington and looked there for a job for the time when I would be getting out. I had long considered joining the FBI and to facilitate this had begun going to Law School at night. I was then still under the impression that to be a Special Agent of the FBI required that you be either a lawyer or an accountant. Acting on instinct, one afternoon when I was in Washington I dropped in at the FBI headquarters building and went to the personnel office. I wanted to find out if there was any way in which I could work for the Bureau while I completed my studies at Law School. The secretary in the personnel office asked me a few questions about my current status with the Navy and then provided me with some applications for the job of Special Agent. Encouraged by this, I filled out the forms and a few weeks later stopped by once again, intending to drop them off and spend the rest of the day sightseeing in D.C. The same secretary then asked me if I had a few minutes to take a few tests and perhaps be interviewed briefly. My affirmative response began a day-long session of tests and interviews which terminated near 6 p.m. that evening. The tests seemed quite simple. One was a spelling test of 30 or so words and another was a matching test which required that the names of famous persons such as Stalin and Tito be joined with their true given names.

The interviewers repeatedly asked why I wanted to join the FBI, as though my response to this query would in some way tell whether or not I was qualified to get the job.

Less than a month after my release from active duty in the Navy, I received a telegram advising me that I was being offered an "excepted" appointment to the FBI to commence on 5/10/65 and if I accepted, I was to wire my reply immediately. I didn't know what an "excepted" appointment was but nonetheless I readily accepted and so on 5/10/65 found myself in the lobby of the Old Post Office Building looking for directions to the training division.

My strongest recollection of the three months that followed was that I spent most of my time fighting the impulse to fall asleep. However, the threat of surprise quizzes and the realization that a career hung in the balance aided in the fight. Almost seven of the 12 weeks were spent in one room on the sixth floor of the Old Post Office Building where from 9 am until 6 pm, with rigid 10-minute breaks on the hour and an hour for lunch, we were verbally assaulted by a variety of individuals, each of whom prefaced his remarks by reciting what seemed to be a formula: "What I'm going to tell you will be the most important thing that you'll hear in the course." Except for the three weeks we spent at Quantico, Va., learning how to point a gun in the right direction, the only break in the monotony was speculating about the places where we might be sent for our first office assignment.

On our last day in Washington, my wife along with the wives of four other agents who happened to be in D.C. at the time were given a guided tour of the FBI headquarters ending in a visit and short lecture by Asst. Director J. H. Gauper. The lecture consisted of a streamlined course in how

to be a "good FBI wife." It was a condensed version of the socialization which we as new agents had received over the period of 12 weeks. He told them how they were expected to dress, how to behave in public and that they should refrain from making any public statement, even to neighbors, about politics because what they said as wives of FBI agents would reflect on the Bureau and the careers of their husbands.

It was understood among agents that if your wife somehow embarrassed the Bureau, say, became active in some peace or civil rights organization the Bureau considered radical, you could expect to be put on the transfer circuit, which meant being transferred from one undesirable office to another, until you had enough and quit.

My wife resented Casper's lecture and attitude, rejecting as unreasonable most of what he said. In part, this led us to resolve to keep our personal lives separate from the Bureau and to avoid as much as possible socializing with other agents and their wives when I was off duty.

In my first assignment in Miami, Fla., where I handled routine criminal investigations such as interstate transportation of stolen motor vehicles, this resolve led us to take an apartment in the city in a section where recent arrivals from Cuba were making their homes, rather than in the suburbs where most of the other agents lived. What little socializing we did was mainly among the Cuban refugees. Wives of agents in Miami had a club, but my wife was not a part of it.

My assignment to the Washington Field Office's Squad S-7(Internal Security) coincided with stepped up activity of the peace movement. The anti war movement was rapidly becoming a movement of national significance and the FBI was gearing up to investigate what was becoming, in its eyes, a threat to national security.

The heyday of this squad was during the late '40s and early 50s when those who were called Communists, pinkos, reds, Commie symps, fellow travelers, and sundry other names were being "discovered" and routed from all levels of American society. By the time I arrived on the scene the squad was jokingly referred to by some as "the graveyard," owing to the advanced age of some of the agents and the motionless manner in which they conducted their investigations now that their prime had passed. Of the dozen or so agents on the squad, all were near or past their 20th year of service in the Bureau. Most of them had spent the better part of their careers on the squad as "red chasers."

Each of the older agents would willingly relate how he had shared in the FBI's successful smashing of the Communist Party. The stories most often had the flavor of back fence gossip, for they concerned not some insidious plot to overthrow the government, but rather the clandestine love affairs of various Party members.

One agent told me that he spent 12 years of his Bureau service in "lookouts." A lookout is a place where an agent can sit (sometimes stand, kneel, lie, or squat, but usually sit) unobserved and look out to see what the person under investigation is doing. One of these lookouts which he recalled fondly was in a hotel room across an airshaft from a room rented by a Communist Party "angel" in a downtown Washington, D.C., hotel. In fact the agent had spent some years of his life peering across the airshaft at the wholly innocuous subject. The blinds in the room he watched were never closed. He liked to tell of the lively sexual activities he had seen. He seemed to think that, in the absence of other evidence, they confirmed that something subversive was taking place.

Another agent told of months spent watching the suburban home of a suspected "Commie" where the only information of value obtained was that after the suspect left for work in the morning his wife would signal to her lover, who lived two street

away, by switching on the back porch light. The lover would then jump in his car and race over for a morning visit. The agent's report indicated the time elapsed from the moment when the porch light went on until the lover arrived panting at the door, and then the length of his stay. The lover was not known to be a member of the Party, but was suspected of being a sympathizer, which may have been the justification used by the agents to account for the time they spent watching that particular house.

By 1967, the Communist Party in Washington, D.C., had only three members remaining. The main function of the squad then was to verify the residence and employment of the persons who once had been subjects of FBI investigation and who were still considered dangerous enough to keep track of, even though they were no longer active with the Party or any other subversive group, for that matter. Every three, six, nine, or 12 months the files on these persons would be reopened and assigned to an agent on the squad who would make certain that the individual still lived at the same address and worked at the same job.

To accomplish this task, the agent could use several methods. He could personally observe the subject at his home and follow him to work. Or he could request the agents handling one of the three remaining informants familiar with former Party members to ask the informants about the man in question. The latter method was usually chosen since it would eliminate any real work for the agent. After the informant had reported, the case could then be closed again. In closing the case, the agent could either certify that the subject was still worthy of the Bureau's attention or try to give him a lower priority, thereby lengthening the interval before the file had to be reopened. It was simpler and required much less paperwork to certify that the subject still needed watching. Thus the investigations of hundreds of perfectly harmless people continued on through the years.

Also by 1967, the antiwar movement was growing from its lean beginnings to a movement of national significance. The response of the Bureau was consistent with its history. It determined that the movement was a part of the larger Communist conspiracy to overthrow the United States government. Having decided this, the Bureau set about to investigate the movement to show the existence of the conspiracy.

Proof sufficient to satisfy the Bureau was readily available. For example, it was noted that among the 35,000 to 40,000 persons who took part in the march on the Pentagon in October, 1967, approximately 20 persons who had once been named as members, suspected members, or sympathizers of the Communist Party were reported to be in the crowd. A few among them had actually assisted in organizing the march. Although the Bureau always insists that it neither draws conclusions nor makes recommendations from the facts it gathers, the FBI report on the march on the Pentagon was leaked to the press and its impact was obvious: the thousands who marched to protest the war in Southeast Asia were publicly labeled as mere pawns in a Communist master plan to spread dissent throughout the nation. They had been duped into giving aid and comfort to the enemy and demoralizing our fighting men.

Had the Bureau believed its own propaganda, it would have investigated

only the "Communist agitators" in the antiwar movement. Instead we were directed to investigate all the leaders in all the local peace groups and to determine among other things the source of any money used to finance the movement. From there it was a simple step to the investigation of anyone connected to the peace movement in any way. The number of investigations was limited only by the time available and the problem of distinguishing the organizers and leaders of mass rallies from the passive followers.

To deal with the peace movement the FBI followed its usual practice of planting informants. It was easy to recruit young people to infiltrate the antiwar organizations and other groups in the so-called "New Left" since large numbers of volunteers were needed to hand out leaflets, run mimeo machines, answer phones, stuff envelopes, and similar chores connected with political organizing. All one of our FBI informants needed to do was walk into the office and state briefly that he was opposed to the war and wished to volunteer his services. He would seldom be challenged to prove his allegiance to the movement. Then, with little additional effort, he had access to mailing lists, names of contributors, copies of leaflets and handbills, and was able to report in detail on any organizational meetings that might take place.

Since an organization gave an informant a convenient base from which to operate, the Bureau tried to place informants in all the organizations likely to participate in any mass march or demonstration. Then if a coalition of groups was formed to plan a large rally, at least one informant would, we hoped, be among those selected to represent a group when the coalition met to plan its activities. Frequently this was the case.

The informants were always directed to look especially for any indication that violence was being planned by any group or individual within a group. This was the rationale by which the Bureau justified its infiltration of these political organizations, although during my three years working on radical groups I never found any evidence that would lead to a conviction for criminal violence.

But the Bureau also had an active counterintelligence program which was titled "Cointelpro—New Left." This program was designed to develop means to thwart and undermine the activities of any organization that fell into the category of "New Left." A frequent tactic was to leak stories to the press and television shortly before any mass march or rally. This was easy enough to do. Agents in our offices would write often fanciful press releases warning that violence was expected on the day of the rally, or that the organizers of the march were in contact with Hanoi, or that some known Communists were active in organizing the march. Our superiors in the Internal Security Division at FBI headquarters would then pass on the information to conservative newspapers, which published it immediately. The purpose of such stories was not only to influence the general public but to scare away those whose commitment was weak and thereby reduce the number of persons who might otherwise attend.

Another purpose of the program was to create dissent among the various groups involved in the New Left to prevent them from working together. In one case we addressed a letter to the leaders of the National Mobilization Committee (NMC) which said that the blacks of Washington, D.C., would not support the upcoming rally of the NMC unless a $20,000 "security bond" was paid to a black organization in Washington. At the same time we instructed some informants we had placed in the black organization to suggest the idea of a security bond informally to leaders of the organization. The letter we composed was approved by the Bureau's counterintelligence desk and was signed with the forged signature of a leader of the black group. Later, through informants in the NMC, we learned that the letter had caused a great deal of confusion and had a significant effect on the planning for the march.

I should stress that such "counterintelligence" activities were carried on frequently, although some were quite absurd. For example, some of the agents in our office tried to confuse peace demonstrations by such collegiate tactics as handing out leaflets giving misleading information about the time and place the marchers were supposed to meet.

The FBI claims to be a nonpolitical organization and asserts that it is not a national police force. But in its intelligence and counterintelligence work on the New Left it was engaging in activity that clearly was political. Moreover, in trying to suppress and discourage a broad-based national political movement, it acted as a national political police. [illegible]

"In trying to suppress . . . a broad-based national political movement . . . the FBI acted as a national police force . . ."

"Had the Bureau believed its own propaganda, it would have investigated only the 'Communist agitators' in the anti-war movement . . ."

"The agent . . . liked to tell of the lively sexual activities he had seen . . ."

"If your wife embarrassed the Bureau . . . you could be put on the transfer circuit . . ."

We were directed to investigate the leaders of peace groups and to determine the source of movement money. . .

The bureau leaked rumors of violence before mass marches to scare away those whose commitment was weak.

The heyday of the squad ... was during the late '60s ... when those who were called Communists were being 'discovered' and routed from American society.

Special Agent for the FBI

Robert Wall

I

In May of 1965, after serving as a naval officer for several years, I arrived in Washington, D.C., to begin my training for the position of Special Agent with the Federal Bureau of Investigation. I was both naive and apolitical. I thought of myself as an intense idealist and was convinced that the FBI was an organization in which personal integrity was highly valued. To me the organization was above all a protector of the innocent public and only secondarily the relentless pursuer of criminals. In short, I was proud and, for the job I would not question it, I would earnestly learn to do as I was told, content to believe that the FBI would never direct me wrong.

This belief served me to survive my first two years in the bureau, during which I worked on criminal investigations and government job applications. It was when I was assigned to work in Internal Security in Washington, D.C., that I began to have my first serious doubts about the integrity of the organization, its motives, and its goals.

The Washington Field Office is the operating arm of the FBI in Washington, D.C. Like other field offices, we reported to the bureau's Washington headquarters, but our office was one of the largest. Assigned to the office were between five and six hundred agents, broken up into squads of from a handful to fifty or sixty. Two squads worked only on applications for government jobs and five or six handled criminal investigations. In addition, there were nine squads assigned to do "security" work. One of those nine was charged with investigating all of the various individuals and organizations that allegedly threatened the national security or that advocated the overthrow of the United States government by force or violence.

It was to this squad that I was assigned in May, 1967, shortly before my second anniversary as an agent. I looked forward to the assignment because anything would have looked good to me after a few months spent investigating applicants for government jobs. But I realized that all my FBI experience would then had in no way prepared me for work in security. During the training course for new agents which I had undergone in 1965, instruction on "security" meant listening to stories of the bureau's great accomplishments, e.g., the capture of the Nazi espionage teams that landed in Florida and New England during World War II, and, of course, the apprehension of Colonel Rudolph Abel. We learned also that the bureau had been able to break up the Ku Klux Klan and the Communist Party.

But nothing in this training was meant to define how the FBI views national security or threats to it. We were told instead that only a handful of experienced and carefully picked agents, the "cream of the crop," were selected to work in this most difficult and challenging field. Furthermore, information about the security work of the FBI was supplied on a "need to know" basis only, and there was no immediate need to tell us much more.

Later, in September, 1967, I was sent to the FBI National Academy in Quantico, Virginia, for a two week

"The New York Review of Books"

January 27, 1972

in-service training in "Basic Security." But this consisted mainly of an elaborate rehash of the noninformation we had received during new agents training. Nonetheless, I was eager to learn more about the work of the squad and the men assigned to it.

The heyday of this squad was during the late Forties and early Fifties when those who were called Communists, pinkos, reds, Commie symps, fellow travelers, and sundry other names were being "discovered" and routed from all levels of American society. By the time I arrived on the scene the squad was jokingly referred to by some as "the graveyard," owing to the advanced age of some of the agents and the aimless manner in which they conducted their investigations now that their prime had passed. Of the dozen or so agents on the squad, all were near or past their seventieth year of [illegible] the average. Most of them had spent the better part of their careers on the squad as "red chasers."

Each of the older agents would willingly relate how he had shared in the FBI's successful smashing of the Communist Party. The stories most often had the flavor of back fence gossip, for they concerned not some insidious plot to overthrow the government, but rather the clandestine love affairs of various Party members.

One agent told me that he spent twelve years of his bureau service in "lookouts." A lookout is a place where an agent can sit (sometimes stand, kneel, lie, or squat, but usually sit) unobserved and look out to see what the person under investigation is doing. One of these lookouts which he recalled fondly was in a hotel room across an airshaft from a room rented by a Communist Party "angel" in a downtown Washington, D. C., hotel. In fact this agent had spent some years of his life peering across the airshaft at his wholly innocuous subject. The blinds in the room he watched were never closed. He liked to tell of the lively sexual activities he had seen. He seemed to think that, in the absence of other evidence, they confirmed that something subversive was taking place.

Another agent told of months spent watching the suburban home of a suspected "Commie" where the only information of value obtained was that after the suspect left for work in the morning his wife would signal to her lover, who lived two streets away, by switching on the back porch light. The lover would then jump in his car and race over for a morning visit. The agent's report noted the time elapsed from the moment when the porch light went on until the lover arrived parking at the door, and then the length of his stay. The lover was not known to be a member of the Party, but was suspected of being a sympathizer, which may have been the justification used by the agents to account for the time they spent watching that particular house.

By 1957, the Communist Party in Washington, D. C., had only three members remaining. The main function of the squad then was to verify the residence and employment of the persons who once had been subjects of FBI investigation and who were still considered dangerous enough to keep track of, even though they were no longer active with the Party or any other subversive group, for that matter. Every three, six, nine, or twelve months the files on these persons

would be reopened and assigned to an agent on the squad who would make certain that the individual still lived at the same address and worked at the same job.

To accomplish this task, the agent could use several methods. He could personally observe the subject at his home and follow him to work. Or he could request the agents handling one of the three remaining informants familiar with former Party members to ask the informants about the man in question. The latter method was usually chosen since it would eliminate any real work for the agent. After the informant had reported, the case could then be closed again. In closing the case, the agent could either certify that the subject was still worthy of the bureau's attention or try to give him a lower priority, thereby lengthening the interval before the file had to be reopened. It was simpler and required much less paperwork to certify that the subject still needed watching. Thus the investigations of hundreds of perfectly harmless people continued on through the years.

II

By 1967, the antiwar movement was growing from its lean beginnings to a movement of national significance. The response of the bureau was consistent with its history. It determined that the movement was a part of the larger Communist conspiracy to overthrow the United States government. Having decided this, the bureau set about to investigate the movement to show the existence of the conspiracy.

Proof sufficient to satisfy the bureau was readily available. For example, it was noted that among the thirty-five to forty thousand persons who took part in the march on the Pentagon in October, 1967, approximately twenty persons who had once been named as members, suspected members, or sympathizers of the Communist Party were reported to be in the crowd. A few among them had actually assisted in organizing the march. Although the bureau always insists that it neither draws conclusions nor makes recommendations from the facts that it gathers, the FBI report on the march on the Pentagon was leaked to the press and its impact was obvious: the thousands who marched to protest the war in Southeast Asia were publicly labeled as mere pawns in a Communist master plan to spread dissent throughout the nation. They had been duped into giving aid and comfort to the enemy and demoralizing our fighting men.

Had the bureau believed its own propaganda, it would have investigated only the "Communist agitators" in the antiwar movement. Instead we were directed to investigate all the leaders in all the local peace groups and to determine among other things the source of any money used to finance the movement. From there it was a simple step to the investigation of anyone connected to the peace movement in any way. The number of investigations was limited only by the time available and the problem of distinguishing the organizers and leaders of mass rallies from the passive followers.

To deal with the peace movement the FBI followed its usual practice of planting informants. It was easy to recruit young people to infiltrate the antiwar organizations and other groups in the so-called "New Left" since large numbers of volunteers were needed to hand out leaflets, run mimeo machines, answer phones, stuff envelopes, and similar chores connected with political

organizing. All one of our FBI informants needed to do was walk into the office and state briefly that he was opposed to the war and wished to volunteer his services. He would seldom be challenged to prove his allegiance to the movement. Then, with little additional effort, he had access to mailing lists, names of contributors, copies of leaflets and handbills, and was able to report in detail on any organizational meetings that might take place.

Since an organization gave an informant a convenient base from which to operate, the bureau tried to place informants in all the organizations likely to participate in any mass march or demonstration. Then if a coalition of groups was formed to plan a large rally, at least one informant would, we hoped, be among those selected to represent a group when the coalition met to plan its activities. Frequently this was the case.

The informants were always directed to look especially for any indication that violence was being planned by any group or individual within a group. This was the rationale by which the bureau justified its infiltration of these political organizations, although during my three years working on radical groups I never found any evidence that would lead to a conviction for criminal violence.

But the bureau also had an active counterintelligence program which was titled "Cointelpro--New Left." This program was designed to develop means to thwart and undermine the activities of any organization that fell into the category of "New Left." A frequent tactic was to leak stories to the press and television shortly before any mass march or rally. This was easy enough to do. Agents in our offices would write often fanciful press releases warning that violence was expected on the day of the rally, or that the organizers of the march were in contact with Hanoi, or that some known Communists were active in organizing the march. Our superiors in the Internal Security Division at FBI headquarters would then pass on the information to conservative newspapers, which published it immediately. The purpose of such stories was not only to influence the general public but to scare away those whose commitment was weak and thereby reduce the number of persons who might otherwise attend.

Another purpose of the program was to create dissent among the various groups involved in the new left to prevent them from working together. In one case we addressed a letter to the leaders of the National Mobilization Committee (NMC) which said that the blacks of Washington, D. C., would not support the upcoming rally of the NMC unless a twenty thousand dollar "security bond" was paid to a black organization in Washington. At the same time we instructed some informants we had placed in the black organization to suggest the idea of a security bond informally to leaders of the organization. The letter we composed was approved by the bureau's counterintelligence desk and was signed with the forged signature of a leader of the black group. Later, through informants in the NMC, we learned that the letter had caused a great deal of confusion and had a significant effect on the planning for the march.

I should stress that such "counterintelligence" activities were carried on frequently, although some were quite absurd. For example, some of the agents in our office tried to confuse peace demonstrations by such col-

legiate tactics as handing out leaflets giving misleading information about the time and place when the marchers were supposed to meet.

The FBI claims to be a nonpolitical organization and asserts that it is not a national police force. But in its intelligence and counterintelligence work on the new left it was engaging in activity that clearly was political. Moreover, in trying to suppress and discourage a broad-based national political movement, it acted as a national political police.

III

The FBI has always been divided about college campuses. It wants to know what is happening on the campus, yet it is afraid of being charged with interfering with academic freedom. When the antiwar students began challenging the legitimacy of the Reserve Officers Training Corps (ROTC), the propriety of secret military research projects in colleges and universities, and the loyalty and morality of the draft, they turned their campuses into centers of political activity.

The bureau's first response to this student activism had a cautious note. We were instructed to investigate to determine who was responsible for the demonstrations and uprisings on the campuses, on the theory that they were organized by outside agitators traveling around the country, but not to conduct investigations on campus. We were told to plant informants in violence-prone student groups but not to use students themselves as informants. Then as campus activity increased we got the green light to recruit students again but were warned to choose only those who were "mature" and reliable. Those students selected were to be admonished strongly that the bureau was not interested in "legitimate campus activity" (a term as definable as "New Left").

I was understandably somewhat anxious when in November, 1967, I was assigned the case titled "Students for a Democratic Society (SDS)." Here was the organization that the bureau had singled out among all the other young activist groups for special attention. I was told that I had to prepare a comprehensive report on all SDS activities in the Washington, D. C., area in less than a month. Every campus SDS chapter was to be identified, as were the names and backgrounds of all officers of the various groups, the number of members in each chapter, the activities of each group, including especially any activity where violence or destruction of property took place.

The agent previously assigned to the case assured me that a brief letter to the bureau would suffice since there was no significant SDS activity in Washington, D. C., a fact that he had dutifully reported three times in the preceding year. (This particular agent was at the time moving up the ladder of bureau success to a supervisory position and I felt certain that his astute handling of the SDS case was largely responsible.)

With very little effort I was able to learn that there were already four campus SDS chapters in the city and an SDS regional office had just been

set up. Realizing that it would be impossible in the time remaining to compile all the information demanded by the bureau, I chose to imitate my predecessor and reported that there was no significant SDS activity in the Washington, D. C., area. Shortly thereafter, when the squad was beefed up, I arranged to have the SDS case reassigned to one of the newcomers.

The bureau's ambivalence regarding campus unrest was apparent when the Washington Field Office received a request from then Assistant Director William Sullivan to analyze the activity on campuses, point out the causes, and recommend the appropriate FBI policy for dealing with student movements. Since our squad was closest to the problem, the job of preparing the position paper was turned over to us. Our squad supervisor elected to assign the task to an older agent who had recently been assigned to the squad. This agent had little experience with college matters but had as yet been assigned few cases and had more time available. He also had a reputation for being able to "write well," that is, to say what the bureau wanted to hear in the language to which it was accustomed.

When I learned of the choice I was disturbed. The agent chosen, if described by a friend, would have been called an extreme conservative. In the banter of the office I had hung the label "fascist pig" on him. He in turn called me the "Father Groppi" of the office, or "Grop" for short. I knew that he saw a conspiracy in every campus demonstration and felt that swifter police action was the first and best answer to any problem of disruption by college students. So I knew what tack he would take.

At this point I was still naïve enough to believe that the bureau was amenable to change and I saw this paper as an opportunity to "affect the bureau from within." So I went to my supervisor and asked for his permission to take over the assignment of preparing the paper for Sullivan. He refused because, in his words, "You're too young to place the SDS in proper historical perspective with the old guard Communist organizations." Undismayed, I "borrowed" the rough draft of my colleague's paper and proceeded to draft a reply and counterproposal. In essence I contended that university administrators needed to re-evaluate the role of the university in our society and take the initiative away from radical agitators by instituting needed changes before the demand for these changes became the rallying point for student discontent.

I concluded that if university administrators could recognize the issues behind the student uprisings, meet with student representatives, and be willing to compromise, they would generally be able to avert destructive confrontation. I recommended that the bureau keep its hands off the universities, even those that had already suffered disruption, because the FBI had no legal justification to intrude; any intrusion would, moreover, be taken by students as an indication of attempted repression by federal authorities.

When I dropped my paper on the supervisor's desk, he handled the situation with the skill of a diplomat. Rather than choose between the papers, he gave both to a third agent to prepare a compromise paper to be presented to Sullivan, setting out the principal points on both sides of the issue. He promised also that I would have the opportunity to make an oral presentation to Sullivan at a later date.

About two weeks later, I returned to the office unexpectedly in mid-morning to discover that a meeting with Sullivan had been arranged at 1 P.M. that day. Angry at what appeared to be an attempt to keep me out, I went to the Coordinating Security Supervisor (my supervisor's supervisor) who had originally received the request from Sullivan that set the whole paper-writing flurry in motion. In his smooth Dixie manner he assured me that no slight had been intended. I had not been invited to the meeting-merely because of an administrative oversight. Certainly I'd be allowed to have my say.

It seemed obvious to me then that they did not want me to attend the meeting but they didn't want to be too obvious about it. So I spent some time preparing an oral argument while I awaited the one o'clock meeting. At 12:45, just as I was bringing my shoes to a new luster, my phone rang. The Coordinating Supervisor on the other end advised me that unfortunately Mr. Sullivan's office had only four chairs for visitors and since I had been the last to request a part in the presentation and would be the fifth person, there was no choice but to exclude me. He tried to calm me with lavish praise for my initiative and willingness to tackle difficult problems, but he managed only a hollow laugh when I suggested that I'd accept standing room.

I was certain that my exclusion was just another example of how people on the lower levels of a bureaucracy act as a buffer for those higher up the ladder. They decided what the man at the top wanted to hear and they gave him just that. They had heard and read Mr. Hoover's statements that the SDS was a subversive group that traveled about the country seeking to destroy the institutions of higher learning and they could not make a presentation that deviated from that line.

The final result was an order directing intensified investigations of student agitators and expanded "informant penetration" of campus SDS groups. Predictably, the informants reported the names of hundreds of students who had done no more than say they were interested in SDS or had dropped in at a meeting. Our Washington squad alone opened dozens of cases on freshmen college students who attended orientation sessions sponsored by SDS on Washington, D. C., campuses. Soon we had so many new cases that we had to request additional agents to handle this new "threat to national security."

IV

While we were investigating antiwar groups and student activists, the squad also handled what were called "Racial Matters." This category was an absurdly and frighteningly broad one. Investigations on almost anything done by or for black people could be opened simply by labeling it a Racial Matter. Here, for example, are some of the "cases" we investigated:

A group of teen-agers from the ghetto areas of Washington, D. C., who marched to the city council chambers and demanded restoration of funds for summer jobs for ghetto youth.

Two busloads of steelworkers who picketed the Department of Labor to protest discriminatory practices at the Bethlehem Steel Sparrow's Point (near Baltimore) plant.

A group of high-school students who staged a protest in their school cafeteria complaining that the food was not fit for human consumption.

Two members of the Student Nonviolent Coordinating Committee (SNCC) who opened a bookstore on 14th Street in northwest Washington.

The FBI quickly responded with an investigation titled "Drum and Spear Bookstore, Racial Matter."

When the poor people's march was organized to dramatize the plight of the poor in our nation and a camp was set up near the Washington Monument, this was a Racial Matter. More logically perhaps, investigations of the Ku Klux Klan, the American Nazi Party, and similar groups were also Racial Matters.

Clearly the bureau had no rational criterion for opening these investigations. The only consistent pattern that I found was that if an individual or group is black and does something to gain attention it is likely to be investigated.

Our guide to Racial Matters at the field office was the early edition of the *Washington Post*. A typical news item would read: "Police arrested six persons early this morning when a crowd gathered as detectives of the Metropolitan Police Department were attempting to arrest a suspected narcotics peddler at the corner of 14th and U Streets, N.W. Some rocks and bottles were allegedly thrown at police," etc. Inevitably, when such a story appeared, we would receive a call from the supervisor of the Racial Desk in bureau headquarters asking what we knew about the incident. It was his firm conviction that incidents of this type were a manifestation of the conspiracy by blacks to take over their community by driving out the police.

So that we would not be embarrassed when the supervisor called, it became standard practice for one of the early arrivers in the office to scan the paper for articles like the one above. He would clip the item, call the precinct to verify the names of the persons arrested, and then paraphrase the news item in a teletype message to bureau headquarters, advising them that we were following the incident and would report any further developments. A month or two later, the agent to whom the case was assigned would close it with a letter stating that the incident was apparently spontaneous and not part of a conspiracy, and giving an estimate of the damages, the names of those arrested, and the background of those who already had records in FBI files.

Often the supervisor on the Racial Desk at the bureau would request specific information about a case under investigation by the field office. The agent to whom the Drum and Spear Bookstore case was assigned received such a request. For months he had been investigating the bookstore, watching its operations, checking out its owners, looking into its bank records, trying to ascertain the source of its funds. He had found nothing connected with crime, conspiracy, or evil doings. Now he was instructed to go to the bookstore and purchase a copy of the "Little Red Book" containing the quotations of Chairman Mao Tse-tung. It was pointless to ask what purpose the purchase of this particular book would serve. It was obvious to us that the supervisor felt that the bookstore, by selling this book, was somehow implicated in the Oriental branch of the Communist conspiracy.

The agent dutifully made his way to the Drum and Spear where he learned that they had sold their last copy of the book. Rather than order a copy to be mailed to the supervisor, a cheeky solution which he admitted considering, he returned downtown, bought a copy at Brentano's, and duly

passed it on to the bureau supervisor, just as if it had come from the Drum and Spear. Thereafter, the written description of the Drum and Spear contained the note that radical literature including the "Little Red Book" of Mao Tse-tung was obtainable there.

As I worked on Racial Matters in Washington (a city whose black population comprises more than 70 percent of the total), the appalling racism of the FBI on every level became glaringly apparent to me. It seemed that every politically dissident black man was a candidate for investigation. Perhaps this racism was no worse than in other branches of government, but it was extremely discouraging to find it so firmly entrenched in an organization of supposedly educated, professional men charged with responsibility for investigating violations of the civil rights laws.

The documents stolen from the Media, Pennsylvania, office of the FBI demonstrate the endemic racism of the bureau. In one memo that J. Edgar Hoover directed to all offices of the FBI, he ordered that "all black student unions and similar organizations organized to project the demands of black students, which are not presently under investigation, are to be subjects of discreet preliminary inquiries, limited to established sources and carefully conducted to avoid criticism, to determine the size, aims, purposes, activities, leadership, key activists, and extremist interest or influence in these groups." The stated purpose for these investigations was that these groups are the "target for influence and control by violence prone Black Panther Party (BPP) and other extremists."

Only the fact that the organizations to be investigated were black could explain the horrendous abuse of logic that the bureau used to justify this invasion of campuses throughout the country. J. Edgar Hoover had publicly announced that the small and largely ineffectual Black Panther Party was the greatest single threat to the security of the country. Having itself created the threat, the bureau set out to neutralize it. Even if Hoover could have seriously documented his charges against the Panthers, which he never did, it was absurd to investigate hundreds of people whose only connection with the Black Panther Party was that the party was trying to influence them. Hoover might similarly have justified an FBI investigation of every member of a "working class" union because the Communist Party directed its propaganda and organizing effort at workers, or an investigation of every college student organization because the SDS sought to influence and control students.

Nor was this assault on the black student unions an isolated incident. I could cite many similar ones, for example the FBI's interest in the Smithsonian Institute when it opened an annex in the largely black Anacostia section of Washington, D.C. One of the annex's first events was a program for Black History Week centered on the life and contributions of Frederick Douglass. The FBI actually paid informants to attend the program and report the contents of the speeches given during it.

In the case of Stokely Carmichael the FBI was particularly determined and vicious. When he moved to Washington, D. C., in December, 1967, our squad kept him under surveillance twenty-four hours a day, following him about the city from lookouts and cars,

and on foot. The investigation became even more intense a few days after Martin Luther King was assassinated. When blacks in Washington, D. C., as well as in many other cities, outraged by the murder, rioted for a day and a half, in the Washington Field Office a fifty-man special squad was assembled to get Carmichael for inciting to riot. We were directed to gather evidence showing that Carmichael had plotted, planned, and directed the rioting, burning, and pillage that took place in Washington, D.C. Fifty agents spent their full time for over a month on this one case.

One man, who later admitted that he had "been mistaken and perhaps exaggerated a bit," claimed that Carmichael had a pistol which he fired into the air and then told the crowd to go home and get guns. A great many others stated firmly that Carmichael had urged the crowd not to dishonor Dr. King's memory by rioting and had politely asked shop owners to close their shops in his memory. Lacking any substantial evidence on which to base a charge, the bureau nevertheless submitted voluminous reports on the minute by minute activities of Carmichael that were heavily weighted to imply that he had actually incited the mobs. Had Carmichael not decided to leave this country and go to Africa, the FBI, I am confident, would eventually have found something with which to bring an indictment against him.

Quite by accident I learned that the Internal Revenue Service (IRS) was aiding in the hunt for something with which to pin a charge on so-called "Black Militants." In early 1969 I was checking the background of a former member of SNCC, a man I had been investigating for almost two years. On three occasions I tried to close the case because I could find no indication that the subject was doing anything that would warrant an FBI investigation. Each time permission was refused; his status as a former member of SNCC being sufficient justification for going on with the investigation. I learned that the IRS had requested his arrest record from the Identification Division of the FBI. When I went to the IRS I found it had secretly set up a special squad of men to investigate the tax records of a list of "known militants and activists," and that the FBI was supplying the names of the persons for the IRS to include in this list. After talking to several IRS officials I was sent to a locked sound-proofed room in the basement of the IRS headquarters in Washington where I found a file on my subject, among hundreds of others piled on a long table.

V

There are hardly any limits on the bureau's activities in compiling political information, particularly about the new left. A case in point is the Institute for Policy Studies, an organization set up by dissenting officials in Kennedy's administration to carry out independent studies in international and domestic questions. The Institute

caught my attention shortly after I began investigating the new left. Reports from FBI informants showed that many of the leaders and spokesmen of antiwar and civil rights organizations called at the Institute when they visited Washington.

I reasoned that if there were a conspiracy that linked all these groups the Institute was the logical place to look for it. I drafted a memo to that effect and requested that a case on the Institute be opened and assigned to me. My supervisor quickly agreed: he was then trying to increase the case load of the squad to justify a request for an increase in manpower.

Most of the information about the Institute's work is easily available and I was soon able to accumulate a vast dossier on it including biographical sketches of its founders, sources of its financial support, a general idea of its day to day operation, and a pile of scholarly studies published by it. After analyzing this data I concluded that the Institute was not the secret mastermind of any conspiracy to overthrow the government but simply what I described in my report as a "think-tank of the Left," where a wide variety of current and former government officials, lawyers, journalists, radicals, and others were holding seminars, doing research, writing reports, etc. I closed the investigation. To do otherwise, incidentally, would have meant a mound of paperwork that would have occupied me full time for months.

About a year later another agent newly assigned to the squad came to see me with the closed file of the Institute and asked whether I thought the case ought to be reopened. This agent, like so many others, had strong right-wing views and could not believe that the Institute was merely sponsoring seminars and doing the other work I had described. It seemed necessary to him to think that a grand new left conspiracy existed. In spite of my opposition, he had the case reopened and began a full-scale investigation of the Institute. He began monitoring the checking account of the Institute to determine where its money was going. He asked for telephone company records and compiled a list of the Institute's long distance telephone calls. He attempted to place informants in the Institute as student interns and gathered every available paper published by it. Individual investigations were then opened on the people who worked for or received money from the Institute.

When I left the bureau in April, 1970, the case on the Institute was still being investigated with gusto, and a huge collection of papers and reports on it had accumulated. So far as I have been able to determine, the FBI has found no evidence whatever of any illegal activity by the IPS, but the Institute continues to be investigated.

My experience has shown me that the FBI in its pursuit of blacks, the antiwar movement, and college activists was not an impartial, disinterested finder of fact but rather a relentless guardian of orthodoxy, a police force which sought to cause harm to movements that boldly questioned the policies of the government. It engaged in these activities not simply because of the political prejudices of the director and his staff, but, to a large extent, to justify its own existence. Each attack on any outspoken critic of American institutions was intended to show the FBI as the indispensable

protector of the public. To each slanderous name-calling or alarmist leak to the press, Hoover added a soft-spoken if tendentious appeal to Congress for more money and additional personnel. Enemies of the public were created to justify the bureau's role as defender of the "National Security" against domestic foes who sought, according to Hoover's propaganda, to subvert the country.

This is not to say that an effective federal investigative agency is not needed to deal with crimes or that the FBI itself has not done efficient and honest criminal work (although it has for years been reluctant to act vigorously against organized crime). But my years in the FBI convinced me that most of what the bureau does in matters of internal security consists of investigations and rumor mongering that are foolish, pointless, and time-wasting so far as protection of the public from violation of criminal laws is concerned; while the agency is all too effective in harassing legitimate political activity. At the same time, all of the investigations I have referred to here have resulted in adding more names and dossiers to the millions in the FBI's files. The FBI is thus creating a proliferating store of secret police files on innocent people, often based on bizarre allegations and dubious information, and sometimes on nothing at all.

What I saw and did as an agent for the FBI exposed for me the wisdom of the old question: Who will watch the watchers? I have no easy answer to it. □

Former FBI Man Discloses IRS Tactics Against Radicals

By ROBERT M. SMITH
New York Times News Service

The Internal Revenue Service has acknowledged that it has a special seven-man unit whose sole job is to collect information on extremist political organizations and leaders of the left and right to uncover situations where there may have been tax evasion.

Leon Levine, a public information officer for IRS, said last night that he was not clear what criteria are used to place people in the "extremist" category. But, he said, "because of the way some of these people behave in their everyday affairs, it's reasonable to believe some of them may be violating the tax laws."

The acknowledgement came after a former FBI agent had said he saw the soundproofed room in the basement of the IRS building in which the special squad worked.

The former agent, Robert N. Wall, made the disclosure recently while discussing some of the inner working of the FBI.

He said that FBI activities included monitoring the telephone calls of the Israeli Embassy, investigating and trying to place young informants in a liberal research institute, soliciting information from banks and telephone companies in the Washington area without getting subpoenas, and attempting to foment strife within radical circles through such devices as anonymous letters.

Triggered Gang War

Wall, a 32-year-old former naval officer and an FBI special agent for five years, made these disclosures in an article which will appear in the New York Review of Books, and in an interview at his home in Buffalo.

He left the FBI in April 1970. He says he had become disillusioned with the bureau, and with the American life style, and is moving to Nova Scotia.

Almost all of Wall's allegations about the FBI have been independently verified by re-

See FBI, Page A-4

THE EVENING STAR
Washington, D. C., Thursday, January 13, 1972

FBI

Drive on Extremists By IRS Is Disclosed

Continued From Page A-1

liable sources in and out of government.

An FBI spokesman was asked yesterday whether the bureau tries to create dissension in radical circles, whether it monitors the telephones of foreign embassies and whether it solicits information from banks and telephone companies without subpoenas. The spokesman said the bureau would make "no comment whatsoever." A spokesman did confirm, however, that Wall had been a special agent.

A reliable source confirmed Wall's allegations about the bureau's attempts to sow dissension in extremist organizations. He said that it had also been done effectively in the case of the Ku Klux Klan and that the technique had been borrowed from FBI operations against organized crime. There, he said, an anonymous letter could result in gang warfare or the murder of a gangster.

On the special IRS unit, sources said that when it finds evidence that extremists have access to large sums of money, it passes on the information to regular tax-enforcement personnel at internal revenue. Among the items checked are whether the organization's leaders have filed tax returns and whether the organization itself is claiming a tax-exempt status that it does not actually have.

According to Wall, one purpose of the FBI's counterintelligence program "was to create dissent among the various groups involved in the new left to prevent them from working together.

"In one case we addressed a letter to the leaders of the National Mobilization Committee which said that the blacks of Washington, D.C., would not support the upcoming rally of the NMC (in 1969) unless a $20,000 'security bond' was paid to a black organization in Washington. At the same time we instructed some informants we had placed in the black organization to suggest the idea of a security bond informally to leaders of the organization.

"The letter we composed was approved by the bureau's counterintelligence desk and was signed with the forged signature of a leader of the black group.

"Later, through informants, we learned that the letter had caused a great deal of confusion and had a significant effect on the planning for the march."

Wall's article in the Jan. 27 issue of the New York Review of Books will also say that some of the agents in the Washington field office, where he worked, tried to confuse peace demonstrations by "handing out leaflets giving misleading information about the time and place when the marchers were supposed to meet."

A source here acknowledged, "we do disrupt where possible. We do the same thing with the Ku Klux Klan. We do it only where there is a likelihood of violence, to reduce violence."

The source went on to say, however, that with the exception of a 1967 march led by the Rev. Dr. Martin Luther King Jr., "There never was a peace march on Washington that didn't have a potential for violence."

Couldn't Understand

In Buffalo, Wall is a supporter of liberal causes ranging from the free-form Cause school—to which he sends his daughter—to the defense of a radical college student arrested with the help of a police undercover agent.

For the last year and a half he has been a law student at the State University of Buffalo but is now leaving school for Nova Scotia because he feels "law cannot handle society's problems."

Wall said he was being trained to listen in on the telephone calls of the Israeli Embassy. That was also confirmed by a reliable source, who said the Federal Bureau of Investigation also monitored and taped the conversations of Arab embassies.

Wall said in the interview that during the six-day Israeli-Arab War of 1967, the bureau was short-handed and he was pressed into service at a switchboard set up by the FBI to monitor all the calls being made to and from the Israeli Embassy. He said he did not overhear any interesting conversations. As a matter of fact, he said, he had difficulty understanding the conversations—"There are different accents, you know."

Bank Criticized

Wall's article in the New York Review of Books also says that while he was a member of a security unit in the Washington office he investigated the Institute for Policy Studies, a liberal "think tank" here headed by Marcus Raskin and Richard J. Barnet. Wall recalls that he himself opened that investigation:

"There are hardly any limits on the bureau's activities in compiling political information, particularly about the new left . . .

"Individual investigations," Wall reports, "were then opened on the people who worked for or received money from the institute."

Wall concludes: "So far as I have been able to determine, the FBI has found no evidence whatever of any illegal activity by the IPS, but it continues to be investigated."

Barnet, co-director of the Institute of Policy Studies, said yesterday he had not been aware the FBI was investigating it until he met Wall recently.

Barnet also said the institute had affidavits from Wall saying that the bureau had seen bank records of the institute. The institute, said Barnet, is considering taking legal action against the Riggs bank for having made the records available without being served a subpoena.

John R. Cocker of the Riggs bank said today in response to a question, that "our practice has always been that we require a subpoena for any records from any government agency whatsoever, including the congress."

According to Wall, "an agent would go to Riggs and other banks and look at the statements and checks we were interested in the day the statements were supposed to go out to the customer. The bank would hold them back, then send them out the next day. The agent would Xerox them or take notes. We knew it wasn't supposed to be done."

"Nothing Is Sacred"

Wall also said the C&P Telephone Co. in Washington gave the bureau telephone records without a subpoena.

Frederick W. Langbein, general counsel for the telephone company, said yesterday it was "absolutely untrue" that the telephone company gave the records of calls without a subpoena. He said that making known the existence of a message was a violation of federal law.

OFF-AIR

A DATELINE 13 Conversation With a Former FBI Agent

Several weeks before the sudden death of J. Edgar Hoover this past spring, *Dateline 13* presented a program, "Robert Wall—Ex-FBI Agent," produced by Paul Jacobs and Saul Landau. This latest Jacobs-Landau report is a first-hand account by former agent Wall and his wife detailing their gradual disillusionment with the motives and goals of the Bureau, which Wall sees as being "essentially a secret organization [that] does a lot of things that violate our basic human freedoms and Constitutional guarantees."

Wall, who had joined the FBI in 1965, came to regard his relationship with the Bureau as a "bad trip" and at the urging of his wife he quit in 1970.

The couple now live in upstate New York. Wall is putting his experiences into a book which will be published next winter by Coward-McCann Geoghegan.

The following are highlights.

My name is Robert Wall. I was born and raised in Buffalo and attended grammar school and high school there. I went to St. Bonaventure University in upstate New York, where I was enrolled in Christ the King Seminary. I received my diploma from St. Bonaventure but left the seminary a year later and went into the Navy.

During my last year of naval service I started looking around for a job. I remembered the days when I was a little kid listening to the FBI radio program, and I thought I'd like to be a G-man because I believed there was a lot of integrity in the organization and that somehow I could do a lot of good as an FBI agent.

I went to Washington and found that I didn't need to be a lawyer or an accountant and that my service in the Navy, plus my bachelor's degree were sufficient qualifications.

My first office of assignment was Miami, in general criminal work. Later, I was sent to language school to learn Hebrew so I could monitor phones at the Israeli Embassy, but it was so routine and uninteresting that when I was told that there was an opening on the Internal Security Squad, I immediately volunteered.

A BAD TRIP

Everybody was trying to talk down the Squad because it was essentially a group of gays who had spent 20 years chasing Communists, and it was kind of a dead division. However, I got the change of assignment almost immediately.

There really wasn't much of a Communist menace to speak of in the mid-sixties, and we were kind of shopping around for something to keep us busy. The anti-war movement was cranking up at the time, so we started investigating anti-war organizations, under the title of COMINFILT. (COMINFILT is Bureau shorthand for "Communist infiltration.") This is how we justified our investigation of what would otherwise have been considered legitimate political activity. We said we were investigating because the Communists were trying to infiltrate and subvert the peace movement and, later on, the civil rights movement.

In fact, we were doing a straight investigation of these organizations, including who their members were, what their activities were and how much financial support they had.

For example, we'd investigate some guy whose sole connection had been that he volunteered to stuff envelopes. If he wouldn't coop-

erate and agree to be an informant for us, we'd be likely to go and talk to his employer about it and drop the fact that this guy was an activist—that he might be in contact with the Communist Party and he should be watched. Of course, the object was to get the guy fired, to really mess him up.

Throughout this period, though, I had a feeling that got stronger and stronger that it was a kind of "bad trip" we were on and that we were putting down a lot of people who weren't doing anything wrong. And it became harder and harder to do it. I didn't have these reservations at first, but right from the start my wife, Cammie, had a lot of questions in her mind.

CAMMIE WALL: Just after Bob and I were married, we were given a grand tour of the FBI Academy and the FBI building itself. We were shown the laboratories and other things that most people don't see. At the end of the tour we were taken into Assistant Director Joe Casper's office and given an hour-long lecture on what an FBI wife can and can't do.

Mostly you can't do anything except be quiet and stay home. We weren't supposed to talk on religion or politics or anything like that. We were expected to be super-straight and super-wives. We simply weren't allowed to make a mistake at all.

But wives who had been in longer than five years would admit that being the wife of an FBI agent was really important to them. It was one thing they couldn't want to have to do without, because it opened doors for them and made other women listen to their ideas. I think it really gave them a sense of power, too.

ROBERT WALL: At this time I was really quite impressed with the Bureau impressed with the job, the credentials, the whole thing. In a place like Miami, having FBI credentials is quite a powerful thing. People respect you and look at you in a special way.

INFILTRATING THE PEACE MOVEMENT

About five years ago—the fall of 1967—I began an investigation of the Institute for Policy Studies.* We were still operating under the conspiracy theory concerning the peace movement, so I reasoned that if there was a conspiracy, then the Institute was the logical place to look as the center of this conspiracy. I opened the case by writing a memo to that effect and submitting it to my supervisor. He in turn assigned the case to me.

I couldn't find out from public stuff what was really going on at the Institute, so I decided to put an informant inside. I thought he'd be recruited and indoctrinated to the point where he could, in turn, go out and conspire with others. All we had to do was have someone—anyone—who would volunteer to go into the office ostensibly to stuff envelopes and things like that. Since the organization of the anti-war effort requires a large number of people to do routine office chores, it wasn't hard to get someone inside.

When it came to college campuses, we had another gimmick. If the Students for a Democratic Society had a chapter on campus, we would find out if there was perhaps a conservative group like the Young Americans for Freedom on the campus. We'd go to one of the YAF meetings or contact the official representative of the group and find out from him the names of some people who were new to the organization—students who wouldn't be known as YAF members or hard-core conservatives. Then we'd contact them and send them into the SDS meetings. These conservative students were made to order, because they were intensely patriotic and willing to do something. And the money we paid them as informants was great for a young guy going through college.

In one particular instance, I remember that we had some question about the stability and reliability of informants—this was always a question—how reliable and stable were they? We had recruited a Cuban and put him into the Washington office building that housed the SDS and an underground newspaper. One day I remember an other agent and I were sitting in a car talking to this guy, and he said—with much delight in his voice, "Boy, it would be easy to set that place on fire." I mean, there's nobody ever guarding the door; we could just burn that whole place out—burn 'em all out!"

My reaction was one of horror and disgust that he would even discuss burning the building, because there were people living on the third floor. But the reaction of my colleague was simply, "Well, I'm not going to tell you to do something like that." In fact, he told the informant that he really shouldn't even consider doing something like that, but he said it in such a way that the impression was that if he did it, nobody was really going to complain about it.

It wasn't more than a week later that we got a report that the fire department had been out there. A fire had been started in a pile of leaflets at the front door of the building.

*The Institute for Policy Studies was founded in 1963 in Washington, D.C. Its purpose is to be a "center of intellectual activity in which scholars and government officials can exchange ideas and collaborate on some of the problems most critically in need of new thought."

INSIDIOUS CHANGES

My decision to quit the Bureau was a gradual process. I had looked upon society as consisting of three things: the family, the church and the state. My wife and I were regular churchgoers, but we began to question the church's role in life and what it was doing. It seemed that the church was more interested in building big monuments and institutions than it was in solving real social problems.

After we came to see the failing of the church, we made an analogy and started questioning the role of the United States.

From the time we were little children in school we were taught that America was good—it could do no evil. If we had any doubts about the goodness or morality of America it was probably the result of the Communist world conspiracy to subvert us—to implant ideas in our minds which would have us betray our loyalties to the country.

But it seems to us now that the Bureau's role was not only to expose the conspiracy—if there was one—but to create the myth of such a conspiracy in the minds of the American people so that they would be willing to accept the orthodox, straight American doctrine without question.

I think especially of the part my wife, Cammie, played in my eventual decision to quit the FBI. An agent is not supposed to talk with his wife about Bureau business, but it was a failing of mine that I did, in fact, talk to Cammie. I used to talk to her about everything. And she saw that these investigations were having an effect on me—changing me in a way that made her uncomfortable.

CAMMIE WALL: I think the thing that bothered me as much, if not more, than what we were doing to other people was what I saw being done to Bob. It seemed as if he were being subverted, because I had always seen him as a very moral man, and I couldn't see how what he was doing could go along with that. I saw the changes in him and it was really scary. We had some big fights about it.

ROBERT WALL: Cammie felt it first, and she brought it home to me more and more as time went on—asking questions like, "Why are you 'surveilling' this guy?" Or, "Why are you investigating that guy? What did he do that's so bad? What crimes has he committed?" I felt like I was under the Inquisition.

CAMMIE WALL: I really didn't feel it was right. It was as if we were making other people prostitute themselves.

GHETTO INFORMANTS

ROBERT WALL: They opened up what the Bureau called the Ghetto Informant Program, which was essentially a neighborhood grocer or dry cleaner, or bartender who would talk to FBI agents and tell us what the likelihood of a riot was in the neighborhood.

The whole thing was kind of ridiculous. If you can imagine talking to your local baker and asking him what the likelihood of a riot is, you can understand what was going on. The Bureau wanted to have an informant on almost every corner, and it was really frightening in its implications, because you had people who were being paid to be informants who really didn't have any access to criminal or security information. What we were doing was subverting, or turning one person against another all over the ghetto.

In my own experience with respect to informants in racial matters, money was the main motivating factor. This almost had to be so, because there was no ideological basis on which you could get one Black man to inform on another.

One particular informant was informing on Stokely Carmichael, who was a close friend of hers. The informant had qualms of conscience and had to be constantly reassured that what was being done was in her own best interests and in the country's best interests. It became very difficult at times to convince her of this.

The informant put me on the spot by asking, "Explain the shootings at Orangeburg, explain the Jackson State shootings.* How can I continue to inform when this type of thing occurs?"

The necessity of dividing one's loyalty between the money he needs to live on and the friends and associates he has is a very hard problem for a person who's an informant.

FORGERY, TOO

I remember an incident when Tom Hayden** came to Washington and ended up at Stokely Carmichael's apartment. It was kind of disconcerting because the agents who had Carmichael under surveillance wanted to go home. They couldn't leave Hayden up there because they weren't sure whether he might take off. They finally solved their dilemma by sending one of the agents to walk under the window of

*The references are to the clash in 1968 at South Carolina State College in Orangeburg, in which three Black students were slain by highway patrolmen and to the 1970 incident at Jackson State College in Mississippi, in which two Blacks were killed and 12 wounded when police opened fire on a women's dormitory.

**Tom Hayden was an organizer of the Students for a Democratic Society.

the apartment. And he reported that he heard the clinking of ice cubes in glasses, so he was reasonably sure that they were going to stay there for a while because they were having a party. It also got us off the hook as to what Hayden was doing there, because the Bureau assumed that someone like Hayden, who was an organizer of a national anti-war movement, meeting with Carmichael, would be there to have a little bit of collusion about how to set up the movement and maybe cause some damage in Washington.

Prior to this meeting we had composed a letter as part of our counterintelligence program. The National Mobilization Committee to End the War in Vietnam was planning a big march in Washington at the time, and we decided we were going to try to disrupt the march and keep down the participation.

In the letter we said, in effect, that the Blacks in Washington were not going to participate in this march unless National Mobe paid $20,000 as a security bond to a Black organization in the city. Then we forged the name of a Black leader to the letter–I think it was Doug Moore's* name that we signed.

At any rate, we sent the letter off. Later we learned through an informant at the National Mobilization Committee headquarters in Wisconsin that this letter was causing quite a bit of difficulty in their planning. They weren't sure exactly what tack to take, because if they came down and got some real hard resistance from Carmichael and other Black leaders in Washington, they'd have problems with their demonstration.

I think the meeting between Hayden and Carmichael was to iron out difficulties on this, and I think they realized at that time that they'd been taken.

DISILLUSIONMENT

The FBI is a massive and effective political police force. It has set the standards of orthodoxy and will attempt to put down anyone who challenges its view of what society should be.

Our doubts about the integrity of the Bureau were progressive, and as I got into it, I found out it was becoming more and more repressive in many of the things that it did. For example, the FBI investigation of the peace marches started out by focusing on the leaders for signs of Communist infiltration. Next, everybody who was in the peace movement was being investigated.

In the civil rights field it was the same thing. The business of having informants all over the place in the ghetto was essentially causing more problems than it was solving. It was causing a lot of dissension and making people suspicious of their neighbors.

Our severe disillusionment with the Bureau started after the Democratic Convention of 1968 when I went to the office and saw it was just a solid front of guys who were sympathetic to the Chicago Police Department.

The Bureau did an investigation. They opened it with a dual legal caption: part of it was supposed to be an investigation of the causes of the riot and the other was to be an investigation of police brutality. We got a lot of demonstrators in–the guys who'd been hit on the head–and we took photographs of their wounds and interviewed them under the pretext that we were doing an investigation of police brutality. We then turned around and dropped the police brutality caption out of the case and carried it simply as a case of "interstate transportation to foment riot"–the famous Rap Brown law.

The final straw, I guess, was the investigation of a Black school in Washington–the Center for Black Education. The FBI supervisor on the racial desk said that this was a school for training Blacks to take part in urban guerrilla warfare.

I was assigned to the case and did an investigation which lasted close to six months. I had as many as six informants working at various times in the school, and all of them–without exception–said that there was nothing going on. It was simply a school.

This was in a neighborhood that needed something like this very badly. But the racism on the supervisory level of the Bureau was such that they couldn't admit to the fact that this might be something good. They knew that the fact that they disliked and distrusted the people who organized the school was not sufficient reason for them to go whole hog and investigate, "surveil," harrass, intimidate and try to keep funds from coming into the school–which is what they were trying to do.

Shortly thereafter I left the Bureau. We had planned to stay until I had a full five years of service, but this type of incident was just too much. We finally decided to leave and find a better life–or a different life.

* * *

This past May, I happened to catch two FBI agents just down the street, talking to our local postman. For the next couple of days the postman was delivering the mail, and as he was going back down the stairs he was making notations on 3x5 cards. ■■■

*Doug Moore, the Chairman of the Black United Front, a Washington, D.C. civil rights organization.

UNITED STATES DISTRICT COURT

DISTRICT OF COLUMBIA

JULIUS HOBSON, et al.,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	Civil Action
	)	No. 76-1326
JERRY WILSON, et al.,	)	
	)	
Defendants.	)	
	)	

ORDER

This cause having come before the Court on motion by federal defendants for judgment on the pleadings in their favor on grounds that the action is barred by the applicable statute of limitations, and this Court being fully advised in the premises, it is this _____ day of September, 1981,

ORDERED that the motion be granted and the claims of plaintiffs be, and hereby are, dismissed, and it is further

ORDERED that judgment be entered in favor of federal defendants.

_____

UNITED STATES DISTRICT COURT

UNITED STATES DISTRICT COURT

DISTRICT OF COLUMBIA

JULIUS HOBSON, et al., Plaintiffs, v. JERRY WILSON, et al., Defendants.	)	Civil Action No. 76-1326

MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF MOTION BY FEDERAL DEFENDANTS FOR JUDGMENT ON THE PLEADINGS

Introduction

Statement of Case

This civil action was commenced on July 16, 1976, by individuals and organizations claiming to have been active during the late 1960's and early 1970's in various political activities in the District of Columbia designed to express their discontent with governmental policies and to bring their views to the attention of the public and of government authorities of both the District of Columbia and the United States.

The defendants named in the original Complaint were several present and former officials and officers of the Metropolitan Police Department, the Director of the Federal Bureau of Investigation, and ten present and former officials and agents of the Federal Bureau of Investigation (FBI). The Amended Complaint, adding thirty additional defendants, was filed on December 7, 1977.

Neither the Complaint nor the Amended Complaint makes any specific allegation against any of the federal defendants. No specific act or occurrence is alleged. The plaintiffs allege that from 1968 to 1973 all the federal defendants engaged in certain categories of activities affecting the plaintiffs:

(1) using undercover agents to fraudulently gain entry to private meetings to learn the plans and programs of plaintiffs; (2) electronic surveillance without judicial authorization; (3) breaking and entering to obtain membership lists and other private political documents; (4) mail interception; (5) physical surveillance, that is, surreptitiously following plaintiffs an

plaintiffs' political activities by (a) urging violent or unlawful actions and (b) supplying the public and/or news media with false information about the plaintiffs and their plans. [Amended Complaint, ¶¶27-29].

Plaintiffs allege that their cause of action is based on the First, Fourth, Fifth, and Ninth Amendments to the Constitution of the United States, 42 U.S.C. §§ 1985(3) and 1986, the United States and District of Columbia statutes governing the interception of oral communications, and common law of trespass, conversion, and invasion of privacy. Jurisdiction is alleged under 28 U.S.C. §§ 1331, 1343, 1337, and 1355.

Prior to July 16, 1973, plaintiffs had sufficient information to enable intelligent prosecution of their alleged claims. This action is therefore barred by the applicable statute of limitations.

Argument

A. The Action Is Barred By The Statute of Limitations

No federal statute of limitations governs limitations of actions brought under the Civil Rights Act of 1871, 42 U.S.C. § 1981 et seq., or under the rationale of Bivens v. Six Unknown Federal Narcotics Agents, 403 U.S. 388 (1971); therefore, the Court must look to the appropriate period stated in a statute of local application. Macklin v. Spector Freight Systems, Inc., 478 F.2d 979, 944 (D.C. Cir. 1973); Shifrin v. Wilson, 412 F. Supp. 1282, 1301 (D.D.C. 1976).

In the District of Columbia, the period of limitations applicable to this action is not longer than three years. Section 301(8), Title 12, D.C. Code, provides a three year limitations period for claims ". . . for which a limitations period is not otherwise specifically prescribed."*/

*/ Section 301(5), Title 12, D.C. Code, provides a one year limitations period ". . . for a statutory penalty or forfeiture." Section 301(4), Title 12, D.C. Code, provides a one year limitations period ". . . for libel, slander, assault, battery, mayhem, wounding, malicious prosecution, false arrest or false imprisonment." The one year limitation applies to plaintiffs' cause of action based on 18 U.S.C. § 2520 and 23 D.C. Code § 554, inasmuch as those statutes, creating a civil cause of action for illegal electronic surveillance, provide for recovery of punitive damages. The courts have held that a statutory punitive damages provision constitutes a "penalty." See Whitney v. Greater N.Y. Corp. of Seventh-Day Adventists, 401 F. Supp. 1363, 1370 (S.D.N.Y. 1975). (Footnote */ continued on following page.)

The activity of which plaintiffs complain allegedly occurred from 1968 to 1973 and the Complaint was not filed until July, 1976. No defendant is alleged to have committed any act subsequent to July 16, 1973, and no act, regardless of by whom committed, is alleged to have occurred subsequent to July 16, 1973. The face of the complaint shows, therefore, that the action is barred by the statute of limitations.*/

Plaintiffs have no apparent means of avoiding the bar imposed by the statute of limitations. Plaintiffs have the affirmative obligation of alleging and proving fraudulent concealment if they are to avoid the bar imposed by the statute of limitations. See Fitzgerald v. Seamans, 384 F. Supp. 688 (D.D.C. 1974), affirmed, 553 F.2d 220 (D.C. Cir. 1977):

(Footnote */ continued from previous page.)
The one year limitation also applies to those claims which may be construed as torts included in Section 301(4). Church of Scientology of California v. Foley, 640 F.2d 1335 (D.C. Cir. 1981).

*/ Assuming, arguendo, that the original Complaint was filed within the limitations period, the action as against the defendants added by the Amended Complaint in December, 1977, is barred unless the principle of "relation back" described in Rule 15(c), Federal Rules of Civil Procedure applies:

> An amendment changing the party against whom a claim is asserted relates back [to the date of the original pleading] if . . . within the period provided by law for commencing the action against him, the party to be brought in by amendment (1) has received such notice of the institution of the action that he will not be prejudiced in maintaining his defense on the merits, and (2) knew or should have known that, but for a mistake concerning the identity of the proper party, the action would have been brought against him.

These requirements are not met. Inasmuch as the Complaint alleged no acts, the new defendants could not, and should not, have known that there had been a "mistake" concerning "the proper party", and in the absence of specific allegations they could not have been aware of the institution of the action. See Saffron v. Wilson, 481 F. Supp. 228 (D.D.C. 1979); Sassi v. Breier, 584 F.2d 234, 235 (8th Cir. 1978); Francis v. Pan American Trinidad Oil Co., 392 F. Supp. 1252 (D. Del. 1975). The action as against the new defendants thus expired not later than December 7, 1974, that is, three years prior to the filing of the Amended Complaint.

> It is a rule of general application in the Federal Courts that the fraudulent concealment of the facts which render a transaction actionable tolls the statute of limitations. In order to make out a claim of fraudulent concealment, several elements must be shown. First, it must appear that the information fraudulently concealed was material. If plaintiff's delay in bringing the lawsuit is to be excused, the Court must have reason to believe that the "timely assertion of plaintiff's rights "has been postponed as a result of the fraud of the party against whom liability might otherwise have been urged." This requires that the information concealed be "so material in character that knowledge of a basis for, or intelligent prosecution of, the cause of action was precluded." Mere ignorance of evidentiary details, although such information might be useful at trial, will not suffice.
>
> Similarly, the fraudulent concealment must actually succeed in precluding the plaintiff from acquiring knowledge of the material facts. Where "the plaintiff knew, or by the exercise of due diligence could have known, that he may have had a cause of action," the claim that the statute of limitations has been tolled by defendants' fraudulent concealment of the facts must fail. It would be anomalous indeed if under the modern Federal Rules of Civil Procedure, which provide for notice pleading and liberal opportunities for discovery, a plaintiff could succeed in a claim of fraudulent concealment merely by alleging that the full "depth and scope of the conspiracy remained hidden" from him and "has not even to this day become fully known." [Citations omitted.]

384 F. Supp. at 693-94. In addition, plaintiffs must show that defendants had an affirmative duty to disclose information to them. 384 F. Supp. at 694; See Smith v. Nixon, 606 F.2d 1183, 1190-91 (D.C. Cir. 1979).

Not only have plaintiffs not demonstrated that defendants had an affirmative duty to disclose information to them, but also they cannot escape their own duty to exercise "due diligence." Moreover, the record of this action, including specifically the responses of plaintiffs to discovery, indicates that more than three years prior to the commencement of this action plaintiffs possessed the material facts to form the basis for intelligent prosecution of their claims. See Emmett v. Eastern Dispensary Casualty Hospital, 396 F.2d 931, 937 (D.C. Cir. 1967).

Each of the plaintiffs testified at depositions that he or she was aware of or suspected governmental surveillance at the time it allegedly occurred.*/ In explaining how they came to believe that they were the object of Federal Bureau of Investigation interest, some of the plaintiffs**/ refer specifically to disclosures made by Robert Wall, a former Special Agent assigned to the Washington, D.C., Field Office of the Federal Bureau of Investigation. Articles authored by Robert Wall appeared in "Potomac Magazine", a Sunday supplement to the Washington Post, on March 5, 1972, and in The New York Review of Books, on January 27, 1972.***/ Additional articles about him appeared in other papers, including the Washington Star on January 13, 1972,****/ and he appeared on Public Television in April, 1972.*****/ Plaintiff Waskow states, in fact, that he talked personally with Robert Wall.******/

In addition, the record of the civil action Institute for Policy Studies, et al. v. John Mitchell, et al., Civil Action No. 74-316 (D.D.C.), demonstrates that plaintiff Waskow had information concerning FBI activities as early as December, 1971, and January, 1972,*******/ and an action filed in the Southern District of New York establishes that as early as 1970 the National Mobilization Committee, to which some of the plaintiffs aver affiliation,

---

*/ See, e.g., depositions of plaintiffs as follows: Booker at 13, 32-34, 41, 43, 49, 58; Bloom at 16, 20, 28, 31-32, 37-38; Eaton at 17-18, 22; Waskow at 26; Pollock at 31, 44, 47-52, 53-55, 59, 66-70; Tina Hobson at 9, 10, 38; Abbott at 6, 10-11, 25, 28-31; Villastrigo (Women Strike for Peace) at 50-56, 66-68.

**/ Booker at 32-34; Bloom at 37-38; Waskow at 26; Abbott at 6-7. See also plaintiffs Abbott's, Bloom's, Waskow's, and Booker's Responses To Interrogatories To Plaintiffs By Federal Defendants, Interrogatory No. 8, which responses were filed April 24 and April 28, 1981.

***/ Exhibits A and B.

****/ Exhibit C.

*****/ See Exhibit D, which is a partial transcript of that appearance.

******/ Responses by plaintiff Waskow to Interrogatories by Federal Defendants, No. 8.

*******/ See Motion by Defendant Terry T. O'Connor for Judgment on the Pleadings, and exhibits, filed in instant action, September 16, 1981.

was aware of the FBI's investigative interest in its demonstration activities.*/

Moreover, plaintiff Tina Hobson, discussing the timing and motiviation of this civil action, stated that filing suit had been contemplated as early as 1969 and that no particular event motivated the filing in July, 1976: "It was just one of the priorities on our list and we just got down to that priority." (Deposition of Tina Hobson at 9 and 10; see also deposition of David Eaton at 14).

The articles by and about former Special Agent Robert Wall are particularly significant in connection with the issues of "due diligence" and the tolling, vel non, of the statute of limitations. These articles, published in early 1972, discuss several matters which plaintiffs contend in their discovery responses constitute their claims against defendants, including the infiltration by informants of organizations planning anti-war demonstrations in Washington, D.C.; the existence of the FBI program known as COINTELPRO--New Left, which was designed to disrupt New Left and anti-war groups; the alleged effort by the FBI to exploit dissension between the National Mobilization Committee and the Black United Front; the investigation of the Poor People's Campaign; and the investigation of the Institute for Policy Studies and persons associated with it.

The plaintiffs themselves acknowledge that these articles, as well as their personal perceptions of events, led them to believe that they had been the subjects of FBI activity. Plaintiffs may not have had sufficient information to determine who, if anyone, had taken action with respect to them, but they knew, or should have known, that they may have had a cause of action and that the probable defendants were agents of the Federal Bureau of Investigation. Their failure to bring a timely action cannot be excused and it should be dismissed. See Fitzgerald v. Seamans, supra, 553 F.2d at 228-29; and Britt v. Arvantis, 590 F.2d 57, 60 (3rd Cir. 1978).

*/ See the facts described in Fifth Avenue Peace Parade Committee v. Gray, 480 F.2d 326 (2nd Cir. 1973).

Conclusion

For the foregoing reasons, federal defendants' motion for judgment on the pleadings should be granted.

Respectfully submitted,

STUART E. SCHIFFER
Acting Assistant Attorney Genral

CHARLES F. C. RUFF
United States Attorney

BROOK HEDGE

DAVID H. WHITE

Attorneys, Department of Justice
10th & Constitution Avenue, N.W.
Washington, D.C. 20530
Telephone: (202) 633-4269

Attorneys for federal defendants

CERTIFICATE OF SERVICE

I hereby certify that on this 16th day of September, 1981, I have served upon each counsel, by mailing postage prepaid, one copy of the foregoing Motion By Federal Defendants For Judgment On The Pleadings and accompanying Memorandum and Order.

Herb Semmel, Esquire
Urban Law Institute for th
Antioch School of Law
1624 Crescent Place, N.W.
Washington, D.C. 20009

Anne Pilsbury, Esquire
17 Danforth Street
Norway, Maine 04268

Laura Bonn, Esquire
Assistant Corporation Counsel
District Building
14th & E Streets, N.W.
Washington, D.C. 20004

Daniel Schember, Esquire
Gaffney, Anspach, Schember,
Klimaski & Marks, P.C.
1712 N Streets, N.W.
Washington, D.C. 20036

DAVID H. WHITE
Attorney, Department of Justice
Washington, D.C. 20530

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

ALLIANCE TO END REPRESSION, et al., Plaintiffs, v. JAMES O'GRADY, et al., Defendants.	)	No. 74 C 3268
AMERICAN CIVIL LIBERTIES UNION, et al., Plaintiffs, v. CITY OF CHICAGO, et al., Defendants.	)	No. 75 C 3295
CHICAGO LAWYERS COMMITTEE FOR CIVIL RIGHTS UNDER LAW, Plaintiff, v. CITY OF CHICAGO, et al., Defendants.	)	No. 76 C 1982

MEMORANDUM OPINION AND ORDER

This matter is before the Court on Federal defendants' Motion to Reconsider June 7, 1977 Order Relating to Informants' Privilege.* Specifically,

*Although Federal defendants refer to the privilege as "informants' privilege," it is more commonly termed "informers' privilege." Throughout this Memorandum Opinion and Order this latter term will be employed. However, no distinction in meaning between the terms is apparent to this Court and none is intended.

Federal defendants seek reconsideration of that portion of this Court's Memorandum Opinion and Order of June 7, 1977 ("June 7th Order") which requires disclosure and production of identities of (and information which would tend to identify) informants and confidential sources** to ACLU plaintiffs' legal team.***

Pursuant to the agreed Order of the parties of April 14, 1978, Federal defendants do not claim an informer's privilege for non-human sources. Additionally, in their Memorandum in Opposition to Federal defendants' motion, ACLU plaintiffs acknowledge that the June 7th Order should be clarified to exempt FBI "criminal" informers from provisions of the June 7th Order requiring disclosure and production. This Court agrees.

At the time the June 7th Order was entered, Federal defendants had not informed this Court that the FBI administratively classified domestic intelligence informers separately from criminal informers. Because it is feasible for the FBI to furnish information on these categories of informers separately from criminal informers, it is unnecessary for information concerning criminal informers to be produced under the terms of the June 7th Order.

Accordingly, the June 7th Order is hereby clarified to provide that the disclosure of informers need not include information concerning the informers in the "137" or criminal classification for the period prior to November 1976 or for informers with a "C" suffix for the period after November 1976.

The basis for Federal defendants' motion is their contention that in formulating the June 7th Order this Court "did not consider the detrimental

**The "informers" for which Federal defendants claim the privilege include "informants", "confidential sources", and "panel source". Although each of these titles is separately defined by Federal defendants, this Court will not distinguish between them for purposes of this motion.

***"Plaintiffs' legal team" for purposes of this Order and the June 7th Order consists of three attorneys (Robert J. Vollen, Robert C. Howard and Douglas W. Cassel, Jr.) and Nancy Stone, a paralegal assistant.

effect that that Order will have on the Federal defendants' continued ability to perform their investigatory and law enforcement functions." Memorandum of Points and Authorities in Support of Federal Defendants' Motion to Reconsider June 7, 1977 Order Relating to Informants' Privilege at 1. Federal defendants support their contention of "detrimental effect" with the affidavit of John B. Adams ("Adams' Affidavit"). At the time the Adams' Affidavit was given, Mr. Adams was the Deputy Associate Director-Assistant to the Director, Federal Bureau of Investigation. Mr. Adams, as Associate Director, is currently the second ranking executive official of the FBI.

In Roviaro v. United States, 353 U.S. 53 (1957), the Supreme Court analyzed the informer's privilege as follows:

> What is usually referred to as the informer's privilege is in reality the Government's privilege to withhold from disclosure the identity of persons who furnish information of violations of law to officers charged with enforcement of that law. The purpose of the privilege is the furtherance and protection of the public interest in effective law enforcement. The privilege recognizes the obligation of citizens to communicate their knowledge of the commission of crimes to law-enforcement officials and, by preserving their anonymity, encourages them to perform that obligation.
>
> The scope of the privilege is limited by its underlying purpose.

353 U.S. at 59-60 (citations omitted, emphasis added)

Although the Roviaro decision and the Court's discussion of informer's privilege took place in the context of a criminal case, the privilege is applicable to civil cases. E.g., Wirtz v. Continental Finance & Loan Co., 326 F.2d 561, 563 (5th Cir.

1964); In re United States, 565 F.2d 19, 22 (D.C. Cir. 1977), Annot., 8 A.L.R. Fed. 6 (1971). However, even in cases where the privilege may properly be considered, Roviaro rejects the proposition that the privilege is absolute or that it guarantees the informer's anonymity. Westinghouse Electric Corp. v. City of Burlington, Vermont, 351 F.2d 763, 768 (D.C. Cir. 1965). Rather, the Supreme Court in Roviaro found that a "fairness" concept is involved in analyzing a claim of the privilege and that a court is to balance competing interests in reaching a decision on the applicability of such a claim:

> A further limitation on the applicability of the privilege arises from the fundamental requirements of fairness. Where the disclosure of an informer's identity, or of the contents of his communication, is relevant and helpful to the defense of an accused, or is essential to a fair determination of a cause, the privilege must give way.
>
> * * * *
>
> We believe that no fixed rule with respect to disclosure is justifiable. The problem is one that calls for balancing the public interest in protecting the flow of information against the individual's right to prepare his defense. Whether a proper balance renders nondisclosure erroneous must depend on the particular circumstances of the case, taking into consideration the crime charged, the possible defenses, the possible significance of the informer's testimony, and other relevant factors.

353 U.S. at 60-62 (citations and footnotes omitted,emphasis added); see generally, 2 Weinstein & Berger, Weinstein's Evidence: United States Rules, Par. 510[1]-[5] (1975).

Thus, "the privilege asserted here is a qualified one, not absolute, limited by the underlying purpose of the privilege balanced against the fundamental requirements of fairness and disclosure in the litigation process." Hodgson v. Charles Martin Inspectors of Petroleum, Inc., 459 F.2d 303, 305 (5th Cir. 1972). In determining how this balance should be struck the Court may consider several factors as well as assumptions on which the privilege is based.

Before this Court attempts to determine how the delicate balance is to be struck in this case, it is important to reiterate the current posture of this case. This matter is before this Court on a motion to reconsider previous orders of this Court which require disclosure by Federal defendants of identities and identifying information of informers utilized to provide information concerning plaintiffs.

In Memorandum Opinions and Orders of March 5, 1976 (reported at 75 F.R.D. 430) and March 26, 1976, this Court held that the informer's privilege

> is applicable only to individuals furnishing information on violations of the law, or information that purports to reveal commission of a crime. See, Roviaro v. United States, 353 U.S. 53, 77 S.Ct. 623, 1 L.Ed.2d 639 (1957); United States v. Swift & Co., 24 F.R.D. 280 (N.D. Ill. 1959). Plaintiffs, by contrast, seek disclosure of the identity of persons who participated in intelligence gathering procedures, seeking information on lawful activities. As to persons so involved, no "informer's privilege" exists.

75 F.R.D. at 431; see also Memorandum Opinion and Order of March 26, 1976 at 3-5. Contra, Black v. Sheraton Corp. of America, 564 F.2d 550, 554-55 (D.C. Cir. 1977), aff'g, 47 F.R.D. 263 (D. D.C. 1969).

Although the Orders of March 5 and March 26, 1976 concerned claims of informer's privilege by City defendants, this Court's Memorandum Opinion and Order of June 7, 1977 extended the rulings on informer's privilege to claims made by Federal defendants. The Order of June 7, 1977 was modified on other grounds by this Court's Order of June 24, 1977. Finally, by Order of July 1, 1977 this Court vacated its Order of June 23, 1977 (which had denied Federal defendants' motion to reconsider the June 7th Order) and stayed that portion of the June 23rd Order which required production of information for which claims of informer's privilege had been denied by the June 7th Order until ruling on the motion to reconsider.

Of particular significance to Federal defendants' current motion is the "Stipulation Between ACLU Plaintiffs and Federal Defendants" of June 16, 1978 contained in ACLU Plaintiffs' Record Appendix at 79-81. The following statements of fact are stipulated to and are to be taken as answers to various of plaintiffs' interrogatories concerning the informer's privilege:

(a) No informants reported on any activities of the named plaintiffs which the federal defendants claim were unlawful or which constituted a plan for or advocacy of the imminent overthrow of the government of the United States or any state or local government by means of force or violence....

(b) All informants on the named plaintiffs provided information to the FBI concerning plaintiffs' lawful political activities, views or beliefs....

(c) No informants on the named plaintiffs provided information which led to the arrest, indictment or conviction of any of the named plaintiffs.

ACLU Plaintiffs' Record Appendix at 79-80. The significance of this stipulation is demonstrated when it is considered in light of this Court's previous rulings that, "Plaintiffs, by contrast, seek disclosure of the identity of persons who participated in intelligence gathering procedures, seeking information on lawful activities. As to persons so involved, no 'informer's privileged' exists." 75 F.R.D. at 431 (emphasis added).

This Court's previous rulings that no informer's privilege exists for identification of individuals who provided surveillance on only lawful activities of plaintiffs are premised on the holding and precise language utilized by the Supreme Court in Roviaro v. United States, supra (quoted herein at 3). The Court in Roviaro seems clearly to limit the privilege to situations where an informant reports violations of the law. 353 U.S. at 59.

Thus, before Federal defendants' assertions and arguments against disclosure of informer's identifies can be balanced against plaintiffs' need for this information in order to receive a fair determination of this case, this Court must again consider whether the informer's privilege is applicable to the situation where only lawful political activities of plaintiffs were reported on by the undisclosed informers. Consequently, by implication, Federal defendants' motion seeks reconsideration of previous orders of this Court on a ground in addition to a failure to consider the "detrimental effect" on FBI law enforcement functions.

The federal courts of the District of Columbia have not limited the informer's privilege strictly to situations where the informer reports on unlawful or criminal activity. E.g., In re Gunsey's Petition, 233 F.Supp. 359, 360 (D. D.C.

1963). In fact, the United States Court of Appeals for the District of Columbia explicitly rejected the argument that the informer's privilege does not extend to instances of misconduct by the police. Black v. Sheraton Corp. of America, supra; see also Julius Hobson, et al. v. Chief Jerry V. Wilson, et al., No. 76-1326 (D. D.C., Aug. 31, 1978) (order upholding claim of informant's privilege). However, the Circuit Court went on to hold that the better approach is to take into account the citizen's awareness that the police officials were engaged in wrongful conduct in balancing the benefits and harms from disclosure. Id.

After careful reconsideration of prior rulings and considering that the FBI's duty to investigate crime includes the duty to investigate the suspects as well as the criminal, this Court is now persuaded that the privilege may extend to situations where only lawful activities are reported on or where other instances of police misconduct are involved. See Kenyatta v. Kelly, 375 F.Supp. 1175, 1177 (E.D. Pa. 1974). This Court further concludes that the unlawfulness of the police activity and the extent to which the informer knew it was unlawful are more appropriately treated as factors to be weighed in the balance between the benefits ensuing from disclosure and the harm flowing therefrom. Julius Hobson v. Chief Jerry V. Wilson, supra at 4.

Because this Court has now determined that claims of informer's privilege may be asserted by Federal defendants to prohibit disclosure of the identity or identifying information of informers who provided surveillance on plaintiffs notwithstanding the stipulation that only lawful political activities were reported on, this Court must now weigh those factors favoring nondisclosure against those

favoring disclosure. This weighing or balancing must be done in light of the Supreme Court's holding in Roviaro that the scope of the privilege is limited by the privilege's underlying purpose (i.e. "the furtherance and protection of the public interest in effective law enforcement") and that the privilege is further limited by the fundamental requirements of fairness. 353 U.S. at 59-60.

Although the burden of persuasion would normally rest upon the movant when a motion for reconsideration is made, this Court has now reconsidered its earlier ruling that application of the privilege to the situation at hand would be unduly restrictive. Consequently, this Court is now balancing the benefits and harm resulting from the ordered disclosure for the first time. Thus, this Court applies the general rule that the burden of establishing the need for disclosure is upon the person who seeks it. In re United States, supra at 23; United States v. Prueitt, 540 F.2d 995, 1004 (9th Cir. 1976), cert. denied, 429 U.S. 1063 (1977).

In viewing the factors to be weighed in this Court's determination in light of the purpose, scope and limitations on the privilege and placing the burden on plaintiffs to establish their need for disclosure, this Court concludes that the delicate balance of these factors must be struck in favor of disclosure.

In Westinghouse Electric Corp. v. City of Burlington, Vermont, supra, at 768-69, the Court of Appeals for the District of Columbia concluded that:

> The purpose of the privilege is not to protect the particular informer from retaliation, but to protect the flow of information to the Government. However, it rests upon the assumption that a citizen, recognizing the risk of retaliation, will be more likely to inform if he knows that his identity will be kept secret. The privilege is maintained to encourage possible informers in the future by giving them some assurance of anonymity.

The court stated that in applying the balancing test, the possible risk of retaliation was a factor to be taken into account. Id. at 768 n.30 and the cases cited therein.

Federal defendants' motion and the Adams' Affidavit rely on the potential risk of retaliation that assertedly exists if defendants choose to comply with the June 7th Order. The forms of this potential retaliation are said to include physical retaliation, harassment, social ostracism and potential exposure to civil liability. (Adams' Affidavit, Paragraphs 10-17).

Although the risk of potential retaliation to informers is relied upon by Federal defendants, their motion and the Adams' Affidavit offered in support of that motion place primary emphasis on the "pledge of confidentiality" purportedly made to all informers. (Adams' Affidavit, Paragraphs 6-9.)

In summary, Federal defendants assert that informers are essential to effective investigation and law enforcement. Federal defendants contend that only if confidentiality can be assured to these individuals will current and potential informers continue to provide information. This assurance of confidentiality currently exists, according to Federal defendants, in the form of an explicit or implicit pledge of confidentiality. Federal defendants contend that compliance with the June 7th Order will be a breach of this alleged pledge. This breach and the risk of possible retaliation will result, according to Federal

defendants, "in a chain reaction of 'drying up' sources and would leave law enforcement officers without their most valuable investigative aid." (Adams' Affidavit, Paragraph 9 at 9.) Thus, Federal defendants assert that the public interest in effective law enforcement will be disserved by compliance with the June 7th Order.

Federal defendants further claim that because ACLU plaintiffs seek only injunctive relief from the alleged wrongs of Federal defendants and in light of the stipulation that only lawful political activities of plaintiffs were the subject of surveillance and the other extensive discovery and disclosures already had, plaintiffs do not need disclosure of the identities of informers and confidential sources.

In an effort to have the balance struck in their favor, plaintiffs not only attempt to demonstrate their need for disclosure of informer's identities in the context of this case, but also seek to undermine the factors Federal defendants assert in their attempt to prevent disclosure.

Plaintiffs argue that their need for the identities of domestic intelligence informers and the information that discovery of these identities may reveal are essential to a fair determination of specific allegations contained in their Complaint. Plaintiffs contend that information currently withheld under the claim of informer's privilege is both relevant and direct evidence of Federal defendants' use of informers to harass and to disrupt plaintiffs' exercise of their First Amendment rights. Plaintiffs assert their need for the information being withheld to show the scope, extent and culpability of Federal defendants' alleged unlawful surveillance and disruption of plaintiffs' legitimate activities.

In support of their assertions of need for the information being withheld and the relevancy of that information, plaintiffs rely on excerpts from FBI files on an exposed FBI domestic intelligence informer. This Court has reviewed in camera this file. See Levine, The Use of In Camera Hearings in Ruling on the Informer Privilege, 8 U.Mich. J.L. Ref. 151 (1974) and 2 Weinstein and Berger, supra, at Par. 510[5]. This Court agrees with plaintiffs' contentions that this file contains information potentially relevant to plaintiffs' allegations and to the scope and extent of Federal defendants' alleged wrongful activities concerning plaintiffs and the class they represent. See also e.g., ACLU Plaintiffs' Record Appendix at 119.

Plaintiffs also contend that the so-called "pledge of confidentiality" is, at best, a product of the FBI first developed in 1977. Instead, plaintiffs assert that not only were domestic intelligence informers conditioned by FBI agents to the fact that they were to be available to Department of Justice attorneys and for testimony if needed, see ACLU Plaintiffs' Record Appendix at 587 and 640, but also that the Government often exposed the identities of its informants. See Id. at 592 and 656-89.

Plaintiffs' assertions in this regard are bolstered by the affidavit of M. Wesley Swearingen and related materials contained in ACLU Plaintiffs' Supplement to Record Appendix. Swearingen's affidavit of January 25, 1979 (Id. at 870-71) verifies his assertions included in the document entitled "Rebuttal to the Affidavit by James B. Adams USDC, So. Dist. of New York dated October 1, 1976." That document was submitted in rebuttal to an affidavit of Mr. Adams

(similar to the one filed in this case) filed in litigation pending in the United States District Court for the Southern District of New York entitled Socialist Workers Party, et al v. The Attorney General, et al. Mr. Adams' affidavit in that case was similarly offered to support the Government's assertion of the informer's privilege.

Plaintiffs further argue that monetary inducement and coercion by the FBI through threatened prosecution and similar measures are the motivating factors behind most informants' decision to cooperate. Because the motivations will exist even if disclosure occurs here, the FBI's ability to recruit informers will be unimpaired. Plaintiffs postulate that it is the fear of potential civil liability that now most concerns informers and not fear of retaliation.

Plaintiffs also contend that protective orders already entered in this case coupled with disclosure limited to plaintiffs' legal team minimize, if not eliminate, any risks of retaliation. In summary, plaintiffs allege that the FBI's ability to recruit informers and/or confidential sources is not dependent on a pledge of unqualified confidentiality and that assertion of the privilege should not be used as a shield for disclosure of alleged wrongdoings by Federal defendants against plaintiffs.

Were the factors listed above the only ones involved in this Court's determination, the question of the applicability of the privilege to the situation at hand would indeed be a close one. It cannot be disputed that informers are a valuable tool in the FBI's arsenal of investigative and law enforcement techniques. Requiring disclosure here may also inhibit some potential informers

from offering their service. But see Westinghouse v. City of Burlington, Vermont, supra at 769. However, three additional factors weighing in favor of plaintiffs make disclosure appropriate.

First, as mentioned previously, it is possible for domestic intelligence informers to be separated from criminal informers. Thus, possible risks of retaliation are minimized if no information on the identity of criminal informers is produced. Further, the risk of retaliation is further minimized by means of a protective order limiting disclosure of material identifying informers to ACLU plaintiffs' legal team. Any proposed further use of the disclosed information for additional discovery will undoubtedly be the subject of further motions of the parties.

Second, many of the informers and confidential sources for which Federal defendants claim the privilege are agents or employees of the FBI. Rather than being mere private citizens who come forward with information, these individuals are in the employ of the FBI to provide surveillance on plaintiffs' activities. This Court has earlier held that the purpose of the privilege is not fostered by extending the privilege to these individuals. Memorandum Opinion and Order of March 26, 1976 at 4.

Finally, and of greatest significance, is the parties' Stipulation of June 16, 1978. Federal defendants acknowledge therein that only lawful political activities of plaintiffs were reported on by the informers whose identities are now sought. Further, Federal defendants also acknowledge that no unlawful activities were ever reported and that no arrest, indictment or conviction of any of the named plaintiffs resulted from any information provided by the informers.

As noted above, the unlawfulness of the police activity and the citizen/informer's awareness of this unlawfulness are factors appropriately considered in determining whether disclosure is essential to a fair determination of the cause. Here, plaintiffs allege in their Complaint that Federal defendants wrongfully disrupted, harassed and had surveillance on plaintiffs' lawful activities by surreptitious entry and other unlawful methods. Plaintiffs have also asserted that this activity on the part of Federal defendants was carried out in large part by informers and confidential sources. Plaintiffs offer these assertions to demonstrate their need for disclosure of identities in order to discover the scope and extent of the alleged wrongful acts.

Federal defendants' argument that no disclosure is necessary because of their Stipulation and because plaintiffs only seek injunctive relief from Federal defendants' alleged wrongs ignores the possibility that information revealed by disclosure may cause plaintiffs to seek additional forms of relief from additional parties through amendment of their complaint. More importantly, because the alleged wrongful acts of Federal defendants are asserted to have been carried out by the instrumentalities of informers and other confidential sources, the identities of these individuals are extremely relevant to the allegations of the complaint.

The privilege should not be used as "a sanctuary of anonymity for those who conspire with the police to violate the constitutional or other personal rights of others." Black v. Sheraton Corporation of America, supra at 554; see also United States v. Keown, 19 F.Supp. 639, 645-46 (W.D. Ky. 1937). Here, if disclosure is not required this is the precise use of the privilege that might

arise. Considering all the benefits and potential harm from disclosure of identifying information, the balance must be struck in favor of disclosure.

Accordingly, Federal defendants' Motion to Reconsider June 7, 1977 Order Relating to Informers' Privilege is granted in part and denied in part as follows:

> Those portions of this Court's Memorandum Opinions and Orders of March 5, 1976 and March 26, 1976 which found the informer's privilege inapplicable to the situation where the informer reports exclusively on lawful activities of the subjects is hereby reconsidered and vacated.
>
> That portion of this Court's Order of July 1, 1977 which stayed production of the material for which Federal defendants' claim of informer's privilege had been overruled by this Court's Memorandum Opinion and Order of June 7, 1977 is hereby vacated.
>
> In accordance with this Court's Memorandum Opinion and Order of June 7, 1977, this Court hereby orders that Federal defendants: (1) produce the informer numbers, FBI file numbers, and information they claim would tend to jeopardize the anonymity of informers; and (2) reveal the names of sources who requested or presumed that their identities would not be revealed. However, all productions made pursuant to this Order shall be subject to a protective order limiting to plaintiff's legal team disclosure of materials identifying informers. See Philadelphia Resistance v. Mitchell, 58 F.R.D. 139 (E.D. Pa. 1972).

This Court's Memorandum Opinion and Order of June 7, 1977 is hereby clarified to provide that the disclosure of informers and information tending to identify the same need not include information concerning informers in the "137" or criminal classification for the period prior to November 1976 or for informers with a "C" suffix for the period after November 1976.

ENTER: _____
ALFRED Y. KIRKLAND, JUDGE

DATED: MAR 13 1979

CERTIFICATE OF SERVICE

I hereby certify that the foregoing NOTICE OF FILING, has been mailed postage prepaid on this day April 10, 1979 to the following counsel:

David Rein, Esquire
Rein, Drew, Garfinkle, and
Dranitzke
1712 N Street, N.W.
Washington, D.C. 20036

Burton D. Wechsler, Esquire
Urban Law Institute for the
Antioch School of Law
1624 Crescent Place, N.W.
Washington, D.C. 20009

Anne Pilsbury, Esquire
17 Danforth Street
Norway, Maine 04268

Frank W. Stearns, Esquire
Assistant Corporation Counsel
District Building
14th & E Streets, N.W.
Washington, D.C. 20004

Daniel Schember, Esquire
Gaffney, Anspach, Schember,
Klimaski & Marks, P.C.
1712 N. Street, N.W.
Washington, D.C. 20036

David H. White

DAVID H. WHITE
Attorney, Department of Justice
Washington, D.C. 20530

UNITED STATES COURT OF APPEALS

FOR THE SECOND CIRCUIT

Nos. 239, 484, 485—August Term, 1978.

(Argued November 15, 1978 Decided March 19, 1979.)

Docket Nos. 78-6114, -6179, -3050

In re THE ATTORNEY GENERAL OF THE UNITED STATES,

Petitioner-Appellant,

SOCIALIST WORKERS PARTY *et al.*,

Plaintiffs-Appellees,

—v.—

THE ATTORNEY GENERAL *et al.*,

Defendants-Appellants.

Before:

LUMBARD, FRIENDLY, and OAKES,

Circuit Judges.

The Government seeks review by appeal or by writ of mandamus of an order of the United States District Court for the Southern District of New York, Thomas P. Griesa, *Judge,* adjudging the Attorney General in civil contempt for failure to comply with an order requiring disclosure of certain FBI informants' files to plaintiffs' attorneys in a civil lawsuit. *Held,* the contempt order is not appealable

but is reviewable by the writ of mandamus; the contempt order is vacated and the district court is directed further to consider issue-related sanctions other than contempt.

Robert B. Fiske, Jr., United States Attorney for the Southern District of New York, (Thomas E. Moseley, Stuart I. Parker, Frank H. Wohl, Assistant United States Attorneys, of counsel), *for Appellants and Petitioner.*

Leonard B. Boudin, Rabinowitz, Boudin & Standard, New York, NY (Eric M. Lieberman, Rabinowitz, Boudin & Standard, Margaret Winter, Mary B. Pike, New York, NY, on the brief), *for Appellees.*

Eugene Gold, District Attorney, Kings County, Brooklyn, NY (Richard E. Mischel, Assistant District Attorney, of counsel), National District Attorneys Association, Inc., Chicago, Ill., *amici curiae in support of petitioner-appellant and other defendants-appellants.*

Oakes, *Circuit Judge*:

The Government appeals from an order of the United States District Court for the Southern District of New York, Thomas P. Griesa, Judge, holding the Attorney General of the United States in civil contempt for refusing to release eighteen files disclosing the names of a number of allegedly confidential government informants to appellees' attorneys, in accordance with an order of the

court. In the alternative the Government petitions for a writ of mandamus directing the district court to withdraw its order of contempt and its order directing release of the files. We hold the order nonappealable but, in view of the extraordinary circumstances and nature of the case, grant the petition for a writ of mandamus, vacate the contempt order, and direct the district court further to consider issue-related sanctions under Fed. R. Civ. P. 37(b)(2).

Background

This case arises out of a complaint filed on July 18, 1973, by the Socialist Workers Party (SWP), its affiliate, the Young Socialist Alliance (YSA), and some individual members alleging that over several decades the Federal Bureau of Investigation (FBI) has engaged in an unlawful investigation of plaintiff organizations with the purpose of disrupting or destroying them. The Government concedes that the investigation included the use of informants; physical, photographic, and electronic surveillance; a mail cover in 1973; certain surreptitious entries; and a "counterintelligence" or "disruption" plan. The complaint runs against the United States itself under the Federal Tort Claims Act, against several high public officers in their official capacities (including the Attorney General of the United States), and against former officers in their personal capacity (Richard M. Nixon, John Mitchell, John W. Dean III, certain named FBI agents, and other unnamed government employees and agents). Discovery disclosed that the FBI made widespread use of paid informants to obtain information about plaintiffs' activities. Approximately 1,300 individuals provided confidential information to the FBI on more than one occasion, and 300 of them were members of the SWP or YSA.

When the scope of the informants' activities was uncovered and it was revealed that the FBI had falsely answered an interrogatory with respect to an individual informant's activities,[1] plaintiffs sought to obtain production of some of the informants' files themselves. Although the Government voluntarily furnished the files of seven informants whose identities had been disclosed, it refused to produce the files of nineteen informants whom plaintiffs had chosen as representative from the interrogatory answers. (The Government subsequently withdrew its objection as to one of these files when the informant's identity was disclosed.) The district judge personally conducted an *in camera* review of the extensive informant files in question, having secured detailed summaries from the Government to assist his evaluation.

On May 31, 1977, the court ordered the Government to make the FBI files and summaries regarding the eighteen undisclosed informants available *in camera* to four of plaintiffs' attorneys. The Government sought review of the order by appeal or mandamus, but this court denied review in *In re United States*, 565 F.2d 19 (2d Cir. 1977), *cert. denied*, 436 U.S. 962 (1978) (*SWP II*).[2] The district court subsequently attempted to settle the disclosure issue by a proposal that the Government release nine files to the plaintiffs. The Government did not accept the proposal but did offer to release to the plaintiffs under a protective

---

1 When a member informant named Timothy Redfearn was arrested in July 1976 for a burglary, his undercover status became public. The Government released his file to plaintiffs, who then discovered that interrogatory answers as to his activities had failed to disclose that he had removed documents from SWP and YSA offices.

2 The first appellate decision in this lawsuit, *Socialist Workers Party v. Attorney General*, 510 F.2d 253 (2d Cir. 1974), *rev'g* 387 F. Supp. 747 (S.D.N.Y.), *stay denied*, 419 U.S. 1314 (Marshall, Circuit Justice), overturned the district judge's grant of a preliminary injunction restraining the FBI from monitoring a YSA national convention.

order the files of four informants who had consented to disclosure. When the Attorney General on his own authority under 5 U.S.C. § 301 and 28 C.F.R. §§ 16.23 and 16.24(b) determined not to comply with the disclosure order, the district court, rejecting alternative sanctions, first warned the Attorney General on June 30, 1978, that noncompliance would result in a civil contempt citation and then adjudged him in contempt on July 6, after he declared that he would refuse production. Judge Gurfein of this court stayed the contempt order on July 7, 1978, to permit the Attorney General to seek review of the contempt orders by a full panel of this court. Subsequent to the argument on this appeal the district court reconsidered, in light of *Birnbaum v. United States,* Nos. 77-6175, 77-6181, 77-6183 (2d Cir. Nov. 9, 1978), the Government's motion to dismiss the complaint but denied the motion.

APPEALABILITY

The Government contends that the contempt order is appealable as a collateral order, as a third party contempt, or as an exceptional order implicating the constitutional separation of powers. None of these contentions is persuasive.

The Government first maintains that the order is appealable under the so-called "collateral order" doctrine, a judicial gloss upon the statutory requirement of finality, 28 U.S.C. § 1291, created by *Cohen v. Beneficial Industrial Loan Corp.,* 337 U.S. 541 (1949). But we have held that discovery orders are not appealable under this doctrine even where the appellant asserts a work product privilege. *American Express Warehousing, Ltd. v. Transamerica Insurance Co.,* 380 F.2d 277, 280-82 (2d Cir. 1967). And in *International Business Machines Corp. v. United States,* 493 F.2d 112 (2d Cir. 1973), *cert. denied,* 416 U.S. 995

(1974) (*IBM*), at the Government's earnest urging, we followed *Fox v. Capital Co.*, 299 U.S. 105 (1936), and *Doyle v. London Guarantee & Accident Co.*, 204 U.S. 599 (1907), by holding that a party may not appeal a civil contempt order imposed for breach of a discovery order even where he had resisted discovery on the basis of the attorney-client work product privilege. Although this case involves the informant privilege[3] and although we stated in *IBM* that such a contempt order might be appealable in "certain extraordinary circumstances," 493 F.2d at 119, we do not retreat from the general standard there expressed.

The Government nevertheless argues that the contempt order here "falls within that narrow category of orders that can be considered separable from the main action and which are too important to be denied review," apparently because the order is directed against the Attorney General. We agree that this order is important, but we are as unpersuaded about its severability as we were in *IBM, supra.* In *Coopers & Lybrand v. Livesay,* 46 U.S.L.W. 4757 (U.S. June 21, 1978), the Supreme Court quite pointedly limited the collateral order doctrine to orders which "conclusively determine the disputed question, resolve an important issue *completely separate* from the merits of the action, and [are] effectively unreviewable on appeal from a final judgment." *Id.* at 4759 (emphasis added). *See also Weight Watchers of Philadelphia, Inc. v. Weight Watchers International, Inc.*, 455 F.2d 770, 772-74 (2d Cir. 1972). Notwithstanding the presence of the Attorney General as a

---

3 For a discussion of the role of the informant privilege in civil cases, *see generally In re United States,* 565 F.2d 19, 22 (2d Cir. 1977), *cert. denied,* 436 U.S. 962 (1978); *Usery v. Ritter,* 547 F.2d 528 (10th Cir. 1977); *Black v. Sheraton Corp.*, 47 F.R.D. 263 (D.D.C. 1969) (Sirica, J.), *aff'd,* 564 F.2d 550 (D.C. Cir. 1977). *See also Weatherford v. Bursey,* 429 U.S. 545 (1977); *Roviaro v. United States,* 353 U.S. 53 (1957); *United States v. Reynolds,* 345 U.S. 1, 12 (1953).

party, here the issue of discovery is integral to, rather than "completely separate from," the merits of the action.

The Government also argues that the contempt order is reviewable as a third party contempt because the United States, not the Attorney General, is the real party in interest. We disagree. Although it is true that the present Attorney General is not named a defendant in his personal capacity,[4] he is named in his official capacity and is in no sense only a nominal or formal party. Any equitable relief granted would surely run against him in that capacity. Thus, cases permitting appeal by contemnors who were attorneys but not parties to the underlying action, *e.g., In re Murphy,* 560 F.2d 326 (8th Cir. 1977); *Appeal of United States Securities & Exchange Commission,* 226 F.2d 501, 520 (6th Cir. 1955), are simply inapposite.

The Government finally argues that this case comes within the very narrow exception to the finality rule recognized in *United States v. Nixon,* 418 U.S. 683, 690-92 (1974). In *Nixon,* the Court held that the President of the United States, a third party in a criminal proceeding, need not follow the traditional avenue of placing himself in contempt to obtain review of an order denying his motion to quash and requiring him to produce evidence pursuant to a subpoena duces tecum. To require the President to take that route "would be unseemly, and would present an unnecessary occasion for constitutional confrontation between the two branches of the Government." *Id.* at 691-92. But *Nixon* is readily distinguishable from this case. *Nixon* did not involve, as this case does, a suit against the United States in which a party (here, the Attorney General) was asserting a privilege. Review was more appropriate in

---

4 The complaint also names a former Attorney General in his personal capacity.

Nixon because the assertion of a privilege simply deflected the search for truth in a separate criminal action and did not present an obstacle to a lawsuit directly challenging government conduct. Moreover, in *Nixon* the President claimed a privilege as to his *personal* papers. Here the Attorney General seeks to protect from disclosure official records that he holds or has under supervision in his official capacity only. Finally, and most important, the executive responsibilities and constitutional status of the Attorney General do not compare to those of the President.[5] The Attorney General has no greater statutory authority over his department's official records than does any other Cabinet officer.[6] Since the earliest days of this nation, courts have declined to accord to Cabinet or other executive officials the same prerogatives that they accord to the President himself. *See Marbury v. Madison,* 5 U.S. (1 Cranch) 137, 165-66, 170-71 (1803); *Sawyer v. Dollar,* 190 F.2d 623, 633-34, 638-39 (D.C. Cir. 1951), *vacated as moot,* 344 U.S. 806 (1952); *Bank Line, Ltd. v. United States,* 163 F.2d 133, 138 (2d Cir. 1947) (Augustus N. Hand, J.) ("It has been the policy of the American as well as of the English courts to treat the government when appearing as a litigant like any private individual. Any other practice would strike at the personal responsibility of governmental agencies which is at the base of our institutions.")

---

5 The opinion in *Nixon* clearly relied on the unique constitutional role of the Presidency. *United States v. Nixon,* 418 U.S. 683, 691-92 (1974). *See also Mississippi v. Johnson,* 71 U.S. (4 Wall.) 475, 500-501 (1867).

6 5 U.S.C. § 301 provides:

> The head of an Executive department or military department may prescribe regulations for the government of his department, the conduct of its employees, the distribution and performance of its business, and the custody, use, and preservation of its records, papers, and property. This section does not authorize withholding information from the public or limiting the availability of records to the public.

We turn, then, to the question whether we should review the contempt order by issuing a so-called "extraordinary" writ—here, the writ of mandamus, 28 U.S.C. § 1651(a).[7] We commence with the ready acknowledgment that only the truly exceptional case warrants this exercise of supervisory control. "[T]he touchstones . . . are usurpation of power, clear abuse of discretion and the presence of an issue of first impression." *American Express Warehousing, supra,* 380 F.2d at 283. The Supreme Court has interpreted the standard for issuance of the writ more liberally in some cases than in others. *Compare Schlagenhauf v. Holder,* 370 U.S. 104 (1964), and *LaBuy v. Howes Leather Co.,* 352 U.S. 249, 258-60 (1957), *with Will v. United States,* 389 U.S. 90 (1967). *See* Note, *Supervisory and Advisory Mandamus under the All Writs Act,* 86 Harv. L. Rev. 595 (1973). In the Supreme Court's most recent discussion of the subject, the plurality emphasizes that the moving party must show a "clear and indisputable" right to the writ, *Will v. Calvert Fire Insurance Co.,* 437 U.S. 655 (1978); this admonition would, however, be more significant if a majority of the Court had endorsed it. Finally, we note that this court has been more reluctant than some courts[8] to exercise freely the supervisory or advisory power to issue writs of mandamus. *National Super Spuds, Inc. v. New York Mercantile Exchange,* Nos. 78-3041, 78-6146, 78-6152, slip op. 1011, 1026 (2d Cir. Jan. 17, 1979); *Kaufman v. Edelstein,* 539 F.2d 811, 816-19 (2d Cir. 1976).

---

7 28 U.S.C. § 1651(a) provides:

> The Supreme Court and all courts established by Act of Congress may issue all writs necessary or appropriate in aid of their respective jurisdictions and agreeable to the usages and principles of law.

8 *E.g., Colonial Times, Inc. v. Gasch,* 509 F.2d 517 (D.C. Cir. 1975).

In *American Express Warehousing, supra,* however, we pointed out:

> When a discovery question is of extraordinary significance or there is extreme need for reversal of the district court's mandate before the case goes to judgment, there are escape hatches from the finality rule: a certification by the district court under 28 U.S.C. § 1292(b) . . . or an extraordinary writ.

Id. at 282. Two other cases, not mentioned by the parties, illuminate the meaning of "extraordinary significance" and "extreme need for reversal." In *Investment Properties International, Ltd. v. IOS, Ltd.,* 459 F.2d 705, 707 (2d Cir. 1972), we granted a writ of mandamus requiring the district court to permit plaintiffs to depose defendants' officers in order to establish standing and subject-matter jurisdiction because we viewed such discovery as "the heart of the controversy." In *United States v. United States District Court,* 444 F.2d 651 (6th Cir. 1971) (Edwards, J.), *aff'd,* 407 U.S. 297 (1972), the court granted the writ in connection with a suppression hearing in a pending criminal trial to determine whether the Attorney General could resist disclosure of information that he had obtained as a result of authorized warrantless wiretapping in an internal security matter. Because it was "an extraordinary case" in which "[g]reat issues are at stake for all parties concerned," because the Government asserted that the order was illegal, and because the case posed a "basic issue which has never been decided at the appellate level by any court," the Sixth Circuit took jurisdiction, even though it ultimately upheld the ruling of the district court.[9]

---

9 In affirming the decision of the court of appeals, the Supreme Court, without discussion, expressed agreement with the court of appeals' holding that it had jurisdiction to issue the writ of mandamus. *United States v. United States District Court,* 407 U.S. 297, 301 n.3 (1972).

This too is an extraordinary case. *See Ex parte Fahey*, 332 U.S. 258, 260 (1947). It is, so far as we know, the first case brought by a political party[10] against the Government itself for damages as well as injunctive relief for allegedly illegal surveillance of that party. The plaintiffs contend that the FBI used informants to disrupt the party by means of illegal break-ins, wiretaps, mail openings, and various other conversions, trespasses, and illegal acts, and thus that they seek information "at the heart of the matter." The suit also asserts that high executive officials are personally liable for some of these acts.

The case also involves a claim of privilege on behalf of an unprecedented number of informants—over 1,300 according to the Government's brief, of whom approximately 300 served as members and 60 as office-holders of plaintiffs. This claim of privilege includes the larger claim, to which Attorney General Griffin Bell has attested,[11] that the failure to recognize the privilege would adversely

---

10 Two of the plaintiffs here are political parties, the Socialist Workers Party and the Young Socialist Alliance.

11 Releasing these eighteen files to plaintiffs' counsel would have a significantly detrimental effect on law enforcement by undermining the pledge of confidentiality which the FBI makes to informants, which pledge its agents made in this case. Such action would signal to other informants and potential informants that the United States would not or could not continue to honor the pledge of confidentiality which has been the cornerstone of its relationship with informants, thereby adversely affecting the ability of other law enforcement agencies, such as the Internal Revenue Service, the Drug Enforcement Administration, the Secret Service, the Postal Inspection Service, the Bureau of Alcohol, Tobacco and Firearms, the Immigration and Naturalization Service, the Securities and Exchange Commission and the Department of Labor, to attract and maintain sources of information. Release of these names here and in other cases under similar circumstances would also tend to deter potential and actual foreign counterintelligence informants from cooperating with the United States. The resulting diminution of information and the effect on law enforcement and foreign counterintelligence would, in my judgment, be substantial.

Affidavit of Griffin B. Bell, June 13, 1978, ¶ 5.

affect the entire law enforcement and intelligence-gathering apparatus of the United States. The importance of this privilege was emphasized in the previous decision of this court which warned against disclosure for which there is no substantial need. *SWP II, supra,* 565 F.2d at 23. Noting that "[w]e are far from convinced that plaintiffs' attorneys require a wholesale disclosure of informants' identities in order to prepare their case for trial," the court said:

> As this Court stated when this case was before it on a prior appeal, the district court should weigh "the serious prejudice to the Government from compromising some or all the informants for all time, even though the final determination of the action may be for the defendants." *Socialist Workers Party v. Attorney General,* 510 F.2d 253, 257 (2d Cir. 1974).

Id. at 24.

This case is unusually important for another reason—because the order for which review is sought adjudged the Attorney General of the United States in civil contempt. Although we unequivocally affirm the principle that no person is above the law, and although we do not find petitioner's status as chief law enforcement officer sufficient to permit an appeal under the *Nixon* exception, we cannot ignore the fact that a contempt sanction imposed on the Attorney General in his official capacity has greater public importance, with separation of power overtones, and warrants more sensitive judicial scrutiny than such a sanction imposed on an ordinary litigant. We do not, of course, hold that mandamus is always appropriate to review a contempt order against the Attorney General, but we do think that this factor is entitled to some weight.[12]

---

12 We note in passing that the order before the *SWP II* court was directed to the FBI. The claim of privilege was asserted by affidavit

In light of the underlying issues of first impression; a question of the informant privilege that involves "a vital interest" of the United States, according to the Attorney General; and the seriousness of a contempt citation against the Attorney General in his official capacity, we have the "extraordinary significance" that *American Express Warehousing, supra,* 380 F.2d at 282-83, requires for the issuance of a writ of mandamus.

THE MERITS

We begin our analysis of the merits by stressing two considerations. The first is the nature of the contempt power itself. Just as, we trust, an Attorney General would not lightly invoke a privilege such as the one that he invokes here, so too the court must not lightly invoke its contempt power. For the exercise of that power is, even in the context of a private attorney, "awesome in its implications." *United States v. Wendy,* 575 F.2d 1025, 1030 (2d Cir. 1978). Second, in an extraordinary case such as this, the significance of abuse of discretion is magnified. *United States v. United States District Court, supra,* is an excellent illustration: the issue was so important that mandamus was granted to *affirm* the lower court. Here, as noted above, the contemnor is not simply an attorney but the chief law enforcement officer of the nation, a public official who exercises powers entrusted to him by both the executive and legislative[13] branches, with obligations to the

---

and testimony of James B. Adams, an Assistant to the Director-Deputy Associate Director (Investigation) of the FBI. The Attorney General interposed himself in the disclosure controversy after the *SWP II* decision.

13 For example, only the Attorney General or his designee may authorize an application for a wiretap order under 18 U.S.C. § 2516. *See Giordano v. United States,* 416 U.S. 505 (1974).

judicial branch, and who is the principal attorney for another branch of government coequal to the judicial branch in constitutional function and design. Courts accordingly owe him respect as an official and, absent an abuse of power or misuse of office, the most careful and reasoned treatment as party or as litigant. Thus, holding the Attorney General of the United States in contempt to ensure compliance with a court order should be a last resort, to be undertaken only after all other means to achieve the ends legitimately sought by the court have been exhausted.

Judged by these standards, the action of the trial court unfortunately falls short, for in our view the court insufficiently considered issue-related sanctions. The Federal Rules of Civil Procedure permit many sanctions other than contempt, alternatives that the court did not sufficiently explore except to reject the Government's proposals.

Under Fed. R. Civ. P. 37(b)(2), the sanctions for noncompliance with a discovery order include: (1) an order that "designated facts shall be taken to be established"; (2) an order "refusing to allow the disobedient party to support or oppose designated claims or defenses, or prohibiting him from introducing designated matters in evidence"; and (3) an order "striking out pleadings or parts thereof . . . or rendering a judgment by default." [14]

---

14 Fed. R. Civ. P. 37(b)(2) provides in full:

> (2) *Sanctions by court in which action is pending.* If a party or an officer, director, or managing agent of a party or a person designated under Rule 30(b)(6) or 31(a) to testify on behalf of a party fails to obey an order to provide or permit discovery, including an order made under subdivision (a) of this rule or Rule 35, the court in which the action is pending may make such orders in regard to the failure as are just, and among others the following:
>
> (A) An order that the matters regarding which the order was made or any other designated facts shall be taken to be established

There are, of course, limitations upon the Rule 37 sanctions that may be imposed against the Government. These include the following: (1) punitive damages may not be awarded against the United States, 28 U.S.C. § 2674; (2) expenses and attorney's fees may not ordinarily be imposed against the United States, Fed. R. Civ. P. 37(f); (3) only actual or nominal damages can be recovered against the United States for deprivation of constitutional rights, *see Carey v. Piphus,* 435 U.S. 247 (1978); (4) due process requires that the most severe sanctions of dismissal or default be imposed only if the failure to comply is due to willfulness, bad faith, or fault, and not to an inability to comply. *See Societe Internationale v. Rogers,* 357 U.S. 197, 209, 212 (1958); *Flaks v. Koegel,* 504 F.2d 702 (2d Cir. 1974).[15]

---

for the purposes of the action in accordance with the claim of the party obtaining the order;

(B) An order refusing to allow the disobedient party to support or oppose designated claims or defenses, or prohibiting him from introducing designated matters in evidence;

(C) An order striking out pleadings or parts thereof, or staying further proceedings until the order is obeyed, or dismissing the action or proceeding or any part thereof, or rendering a judgment by default against the disobedient party;

(D) In lieu of any of the foregoing orders or in addition thereto, an order treating as a contempt of court the failure to obey any orders except an order to submit to a physical or mental examination;

(E) Where a party has failed to comply with an order under Rule 35(a) requiring him to produce another for examination, such orders as are listed in paragraphs (A), (B), and (C) of this subdivision, unless the party failing to comply shows that he is unable to produce such person for examination.

In lieu of any of the foregoing orders or in addition thereto, the court shall require the party failing to obey the order or the attorney advising him or both to pay the reasonable expenses, including attorney's fees, caused by the failure, unless the court finds that the failure was substantially justified or that other circumstances make an award of expenses unjust.

15 It might appear that a partial default judgment cannot be entered against the United States, for Fed. R. Civ. P. 55(e) provides that

The Government suggested three options to contempt below. First, it proposed that plaintiffs be allowed to "establish from facts within their knowledge" the amount of damages at each SWP and YSA chapter and be given the benefit of a presumption that such damages were the result of informant activity. The Government would have the burden of proving either that there were no damages or that there was an alternative cause for the loss. Second, the Government suggested that plaintiffs go forward with "full discovery" based on the twelve[16] informant files now available to them and present to the court a kind of test case of injury and damages so that the court could determine the extent to which information in the files was necessary to determine the amount of actual damages. Third, if neither of these sanctions were appropriate, the court and counsel should devise some other issue-related sanction.

Judge Griesa rejected the first of these proposals because it would leave plaintiffs

> in an impossible position. Without a representative sample of the detailed evidence in the informant files, and some reasonable summarization of the other informant file evidence, plaintiffs are deprived of the

---

"[n]o judgment by default shall be entered against the United States or an officer or agency thereof unless the claimant establishes his claim or right to relief by evidence satisfactory to the court." The Government concedes, however, that this limitation does not bar a partial final judgment. Gov't Brief at 120*. As one commentator has noted, a court might, notwithstanding Rule 55(e), treat as admitted those facts that the litigant would have had to prove by means of the evidence that the Government would have produced if it had complied with discovery. 10 C. Wright & A. Miller, *Federal Practice and Procedure* § 2702, at 358 (1973). Such a procedure might well have the same effect as a partial default judgment.

16 As noted above, the Government has already produced eight files and has said it is willing to produce, subject to certain deletions, four of the eighteen here in question.

most important source of evidence needed by them both to develop the full nature of the wrongdoings and damages, and to rebut Government defense evidence.

And as to the second proposal for sanctions, Judge Griesa thought that the twelve files that the Government was willing to produce "do not constitute a fair selection";[17] he characterized the proposal as "simply a renewed effort to whittle down plaintiffs' already modest, compromise request for documents."

The court also concluded that any other sanction would be unproductive and would only result in delay. The court had previously stated that the informant files evidence was "so basic and essential that no major issue in the case—whether relating to injunctive relief, claims for damages, or jurisdictional defenses—can be resolved without developing a factual record with evidence from these files."[18]

After our independent review of the eighteen informant files summaries, we conclude that it was clearly erroneous for the district court to determine that the files are so central to the plaintiffs' case that contempt is the only appropriate sanction for the Government's failure to disclose them. Because that determination is erroneous, the district court has an obligation to investigate more thoroughly than it has to date reasonable alternative sanctions to contempt. Our conclusion that the court abused its discretion

---

17 The court said that the 12 files "do not cover the range of locations and activities embraced in the total number of files ordered to be produced by the Court."

18 We note that the district court's decision, which was dated June 30, 1978, does not take into account the general suggestion in Attorney General Bell's affidavit of June 13, 1978, that appropriate sanctions would be as set forth in Rule 37(b)(2)(A)-(C), that is, "concessions of certain facts or legal issues, or partial judgment in plaintiffs' favor."

thus requires, in this unusual case, the grant of the extraordinary writ of mandamus.

MANDATE

In effectuating this court's mandate to consider alternative sanctions, the district court should of course impose those sanctions which, so far as possible, put plaintiffs in the position that they would have been in if the Government had disclosed the information. We recognize that the task of fashioning such a sanction will not be easy. But we believe that much of the difficulty of creating a feasible and equitable sanction will be avoided if the district court produces a set of representative findings from the informant files for the benefit of the plaintiffs. Of course, this alternative might not itself be a sufficient sanction for the Government's noncompliance with the discovery order. The information supplied by such findings will nevertheless help the plaintiffs in two ways: by improving their ability to prosecute the action without the files and by improving their ability to identify the damages that they have suffered and to demonstrate what further sanctions, if any, are appropriate. The court should frame its findings with these two purposes in mind.

We have reviewed in depth the summaries of the informants' files in question, and it is our view that the district court, or a master under its direction, can feasibly make representative findings that would supply the plaintiffs with much of the information that they need to establish their claims or to propose other sensible sanctions, if any are needed, without compromising the identity of the informants. We do not, of course, purport to anticipate the precise content of those findings. The district court should not consider exhaustive the sample findings that we suggest and should include only findings relevant to plain-

tiffs' case. Indeed, the judge's own discussion of the summaries in open court on April 14, 1977, and June 22, 1977, reproduced in the Appendix on Apeal at 842-60, 209-10, if reduced to more detailed formal findings, would go a long way toward satisfying this court's mandate.

We have attached as an appendix to this opinion a "suggested form of representative findings," the headings of which follow those in the summaries of the informant files submitted to this court by the Government. Although most of the findings may be framed in general terms, findings with respect to disruptive or illegal activity should be as specific as possible without disclosing the identity of the informant. In particular, such findings should detail to the extent possible the nature and extent of the damage that the plaintiffs may have suffered as a result of the informant activity.

The representative findings might follow the form of the summaries themselves. The findings can usually be based upon the summaries alone. If the summary's description of an important matter is too vague or incomplete, however, the district court or master may refer to the original informant file. In other words, the court may provide plaintiffs with what the court itself suggested was missing—a "representative sample of the detailed evidence in the informant files." [19] We agree with the district court's evaluation that much of this evidence follows a standard pattern.[20] And we think that the court can prepare these

---

19 The district court also spoke of the need for "some reasonable summarization of the other informant file evidence." The purpose of the representative findings that we have outlined here, however, is only to aid the district court in choosing an appropriate sanction for the Government's nondisclosure of the 18 files. Consequently the findings need only extend to those 18 files.

20 The district court on April 14, 1977, noted, "What I am getting at, the pattern of the activity, it seems to me, within limits, is somewhat

findings without disclosing the identities of the informants;[21] as the district judge said, with respect to providing information relating to all the informant files:

> I think that the chances are very great that this can be done without any substantial revelation of the identity of the informants because I am now reasonably convinced that the identity of the individuals in all, virtually all, cases would be almost useless to me as a judge or to the parties to the litigation.

We grant the petition for a writ of mandamus, vacate the contempt order, and direct the district court to impose such issue-related sanctions as are consistent with this opinion and otherwise proper. Despite the Government's request, we decline to examine the underlying disclosure order. Apart from the question whether we have jurisdiction to review at this time that order,[22] we believe that review is not wise because we have not held that contempt is an appropriate sanction for noncompliance with the order.

Judgment in accordance with opinion: jurisdiction retained.

---

standard." The court went on to say, however, "Where does that leave any issue in the case? It seems to me that there still is an issue as to the degree, the extent, the comprehensiveness of the use of informants." We think that the findings can also state whether there was an FBI "plan" and, if so, its extent and comprehensiveness.

21 Disclosing information without disclosing identities will require a sensitive formulation of findings. In particular, the courts should be careful that separate findings, except where absolutely necessary to development of quintessential information, do not give enough cumulative information about an informant to permit his identification, even though the findings considered separately protect his identity.

22 *Compare Garland v. Torre*, 259 F.2d 545, 550 n.11 (2d Cir.), *cert. denied*, 358 U.S. 910 (1958), *with Maggio v. Zeitz*, 333 U.S. 56, 68-69 (1948).

APPENDIX

Suggested form of representative findings

1. *Background information.*

The 18 files cover informant activity in ..... cities, ranging from small to large in size. The cities included ....., ... [Note: delete name of city if number of members is so small that informants would be identifiable.].

2. *Method of recruitment.*

..... of the ..... informants described in these files volunteered to become informants; ..... were actively recruited by the FBI.

3. *Confidential relationship with the FBI.*

..... were advised by the FBI in writing, and ..... orally, that the FBI would never disclose their identities. ..... signed statements agreeing to keep their relationship with the FBI and their information confidential.

4. *Organizations with which informants were affiliated.*

..... of the informants were members of the SWP only; ..... were also members of other organizations.

Some informants belonged to as many as ..... organizations and reported on as many as ..... .

5. *Informants' relationship with the SWP and their method of obtaining information.*

In ..... cases, informants obtained non-public information from the SWP or its members in an undisclosed

manner. In ..... of these cases, the informants held positions with the SWP that might have permitted them to obtain this information by non-surreptitious means. Informants #....., ..., however, did not have potential access by virtue of their positions.

Informants had the following positions with the SWP, for the following periods:

Informant # .....: .....

Informant # .....: .....
etc.

6. *Activities.*

A. *Topics reported on at meetings:*

The informants' reports about SWP described the following topics, among others: specific political issues of current interest; local fund-raising and organizational plans; election campaigns; ..... ; ..... .

The reports indicate that many informants attended meetings regularly and gave weekly reports. For example, Informant # 306 attended and/or reported on approximately 1300 meetings and activities of New Left organizations over a 13-year period.

Discussion of the Fourth International was limited to ..... .

There was [no/some] discussion of disruptive or violent activity during the SWP meetings.

B. *Other activities that source reported:*

Among the unusual activities that the sources reported are the following—

Informant # 306 attended an SDS workshop on explosives;

..... ;

..... .

C. *Reports concerning personal information:*

Reports of some informants also contained personal information about members, such as information about health, employment status, travel plans, social contacts, sexual relationships, and personal habits.

Informant ..... reported that ..... .

The Bureau instructed ..... informants to gather personal information with respect to the following matters and in the following manner: ..... .

D. *The obtaining or copying of documents or other items:*

..... of the informants had access to nonpublic documents by virtue of their official position.

Informants forwarded to the Bureau pamphlets, SWP reports and publications, internal correspondence between SWP officials, and ..... .

Informant # 1121 voluntarily provided trash to the Bureau by virtue of his position as janitor. The trash contained minutes, correspondence about SWP affairs, membership lists, financial records, and ..... . FBI headquarters advised the local Bureau office that his "trash cover" could not be used, but before the informant could be approved on this basis, he resigned.

E. *Counterintelligence program (COINTELPRO):*

..... of the files mention COINTELPRO activity, and ..... mention involvement in the SWP disruption program.

The following specific instances are mentioned:

[Describe conduct and file number]

F. *Informants' participation in organizations:*

..... informants acted as photographers.

..... voted in secret elections for SWP officers.

Informants also hosted meetings, assisted in mailings, engaged in leafletting and fund-raising, ... , ...

G. *Comments by the FBI concerning informants:*

[Discuss FBI rating system and any unusual reports.]

H. *Cooperation with other investigative agencies:*

..... of the informants cooperated with other federal investigative agencies, including ..... ; ..... cooperated with other state investigative agencies, including ..... .

I. *Miscellaneous activities:*

Informant # 73 provided a report that was useful in a security of government employees investigation. He also advised the Bureau that the local SWP does not have any real influence within the NAACP.

Informant # 306 reported that certain FBI employees were associated with an anti-war organization.

Their supervisor asked them to resign; some did. The anti-war organization planned a press conference to embarrass the FBI.

The same informant provided the names of individuals who contacted the SWP at the national headquarters in New York City requesting information about the SWP.

Other informants reported .....

7. *Compensation.*

..... of the informants were paid. Rates ranged from ..... [monthly/weekly] to ..... [monthly/weekly].

8. *Willingness to testify.*

..... informants have expressed their willingness to testify in open court or before an administrative hearing board.

..... informants have advised that they are unwilling so to testify.

9. *General findings.*

[Give a general characterization of the scope, extent, and comprehensiveness of the FBI's infiltration of the SWP; discuss whether the evidence suggests an overall FBI plan; and, if so, describe the nature of the plan. *See* Appendix on Appeal 852-57.]

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

JULIUS HOBSON, et al.,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	Civil Action No. 76-1326
	)	
JERRY WILSON, et al.,	)	
	)	
Defendants.	)	

EXHIBITS TO PLAINTIFFS' PRE-TRIAL BRIEF

ACCOPRESS®

19021	BLACK
19022	LIGHT BLUE
19024	LIGHT GRAY
19025	LIGHT GREEN
19028	RED

GENUINE PRESSBOARD

ACCO INTERNATIONAL INC.
CHICAGO, ILLINOIS 60619